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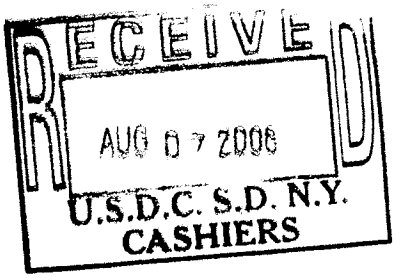
UNISON TECHNOLOGIES, INC.

JUDGE SCHEINDLIN

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNISON TECHNOLOGIES, INC. **Plaintiff,** **v.** **ASPECT SOFTWARE, INC.** **Defendant.**	**Civil Action No.** 08 CV 7056 **COMPLAINT**



Plaintiff, UNISON TECHNOLOGIES, INC., for its complaint, alleges as follows:

THE PARTIES

1. Plaintiff, UNISON TECHNOLOGIES, INC. ("Plaintiff") is a Delaware corporation with a place of business at 156 West 56th Street, Suite 1601 New York, NY 10019.

2. Upon information and belief, Defendant ASPECT SOFTWARE, INC. ("Defendant"), is a Delaware corporation with a place of business at 6 Technology Park Drive, Westford, MA 01886.

JURISDICTION AND VENUE

3. This is an action for a declaratory judgment of non-infringement under 28 U.S.C. §§ 2201 and 2202 based on Defendant's claim of trademark infringement in violation of the Lanham Act 15 U.S.C. § 1125(a) by Plaintiff, all of which activities have occurred in this district.

4. This action results from Defendant's claims of ownership of and exclusive rights to use the mark UNISON for all computer software goods and services and assertion of claims of trademark infringement against Plaintiff, as more fully set forth below.

5. This court has jurisdiction pursuant to 15 U.S.C. §§ 1121 and 1125(a) and 28 U.S.C. §§ 1331, 1332 and 1338 as a civil action arising under the Lanham Act and as a civil action between, upon information and belief, citizens of different states in which the matter in controversy exceeds the value of $75,000.00, exclusive of interest and costs.

6. Venue is founded on 28 U.S.C. §§ 1391 (b) and (c) in that the claim arises in this district and Defendant does business in this judicial district.

I. FACTUAL BACKGROUND

A. SCOPE OF PLAINTIFF'S OPERATIONS

7. Plaintiff repeats and realleges the allegations contained in Complaint paragraphs 1 through 6 inclusive, as though fully set forth herein.

8. Plaintiff is a software development company specializing in unified messaging and communications software with headquarters in New York, NY and additional offices in Boston, Massachusetts and St. Petersburg, Russia.

9. Plaintiff was founded in 2006 by three leaders in the messaging and technology industry: Michael Choupak, Igor Balk and Rurik Bradbury.

10. On March 6, 2008, Plaintiff launched a beta version of its core product, UNISON™. UNISON™ is the world's first fully-unified communications system for businesses. On March 20, 2008, Plaintiff made available a live demonstration version of its UNISON™ product on its website located at <unison.com>. On May 6, 2008, Plaintiff made available a virtual application version of its UNISON™ product, allowing customers to download the beta version of its software and test it within minutes. On July 29, 2008, Plaintiff launched the commercial version of its UNISON™ product. See Exhibit 1 attached hereto.

11. UNISON™ combines telephony, email, instant messaging, contact management and calendar management into a single unified product, both for client administrators and desktop end users. UNISON™ can be deployed within an organization to handle its entire communications system and eliminates the expense of purchasing separate PBX telephone systems and computer servers. See Exhibit 2 attached hereto.

12. Traditionally, businesses use multiple servers, software applications, platforms and numerous pieces of hardware to provide employees with electronic messaging (email), electronic calendaring, electronic contact management, telephone and voicemail functionality. Plaintiff's UNISON™ product revolutionizes this communications platform by allowing businesses to provide all communications functionalities through one affordable software application utilizing one Linux server.

13. UNISON™ provides an integrated electronic solution for end users. It manages a range of communication sources by connecting telephone, voicemail and electronic messaging, permitting end users to control the flow and storage of communication with integrated filing, searching and sorting mechanisms which results in efficient workflow. For example, UNISON™ permits users to telephone an individual contact simply by clicking on the contact entry on the computer screen, to forward voicemail messages as e-mail attachments and to receive voicemail messages directly in the user's email inbox on the computer. UNISON™ provides users with all the foregoing functionalities in one place, and all on one computer server.

14. Prior to Plaintiff's launch of UNISON™ business communications software product in March 2008, there were numerous articles in the trade press anticipating Plaintiff's UNISON™ product as a major rival to Microsoft's well-known and widely used OUTLOOK and EXCHANGE products. Buzz about Plaintiff's product in the trade began as early as February 2008. See Exhibits 3 to 10 attached hereto.

15. One of the benefits of Plaintiff's UNISON™ product is that it provides businesses with a cost savings of 85% on software costs as well as telephone, email and instant messaging costs while increasing the productivity of employees.

16. Plaintiff's UNISON™ product is marketed to and primarily utilized by small and medium sized business enterprises seeking an affordable, comprehensive and integrated communications system. It will be offered for sale to businesses at $50.00 per user per year or alternatively, at a fee of $36,000 per year for an unlimited number of users. See Exhibit 2.

17. UNISON™ allows small or medium sized business enterprises to combine separate communications systems, (telephone, electronic messaging, calendaring and scheduling and contact management) into one "*unified*" system. Accordingly, Plaintiff's use of the mark UNISON is suggestive of a characteristic of its software product, namely, unified communications.

18. Plaintiff's target customers in the United States are sophisticated information technology professionals employed by small and medium sized companies. Plaintiff's UNISON™ software is central to any of its customer's businesses as it is designed to replace existing communications systems. Therefore, Plaintiff's products are purchased only after careful deliberation and investigation by small and medium sized business owners and their corresponding information technology personnel.

19. Plaintiff does not offer computer software products or services relating to call center services, debt collections or telemarketing.

20. Because Plaintiff provides continuous technical support for its UNISON™ product, Plaintiff's customers have access to Plaintiff's technical support employees on an ongoing basis.

21. Plaintiff has spent more than $500,000 in promoting the UNISON™ brand name and product over the past year and has made a tremendous investment in both time and money in the development and launch of its UNISON™ product.

22. Plaintiff markets its UNISON™ product in the United States and the rest of the world through its website located at <unison.com>. Plaintiff also markets its UNISON™ product through highly targeted promotional activities, such as participation in information technology trade shows and in-person marketing meetings with small and medium sized business customers. For example, Plaintiff's UNISON™ product was launched at the CeBIT 2008 trade show in Hannover, Germany, "the world's largest trade fair showcasing digital IT and telecommunications solutions for home and work environments." See Exhibits 1, 6, and 11 attached hereto.

23. Plaintiff has adopted and uses the following distinctive logo for its goods and services:

24. On July 2, 2007, Plaintiff filed U.S. Application Serial No. 77/220,780 for UNSION for:

a. "computer software, namely, operating system software, computer server software and computer network management software featuring private branch exchange (PBX) services, communication priority and call routing management services, instant messaging services, directory services, electronic mail services, scheduling services, information and task management services, document management and sharing services, data exchange services, mobile information access services and remote data management services; software for creating, editing and managing websites and intranet sites" in Class 9;

b. "telecommunication services, namely, providing electronic storage and retrieval of user-specified personal and business information, electronic mail and messaging services; transmission of data and information over cellular phone networks and wireless communication networks; providing information in the field of telecommunications and telecommunications software via computer networks, wireless networks and global communication networks" in Class 38; and

c. "computer services, namely, providing software updates via computer networks and the Internet; computer services, namely, acting as an application service provider (ASP) featuring software for use in the field of business communications management, and providing hosting, development and maintenance of applications in the field of business communications management; consulting services in the fields of computers and software; providing information in the field of telecommunications software via computer networks, wireless networks and global communication networks", in Class 42.

See Exhibit 12 attached hereto.

25. Plaintiff's U.S. Application Serial No. 77/220,780 is pending before the U.S. Patent & Trademark Office.

B. SCOPE OF DEFENDANT'S OPERATIONS

26. Upon information and belief, Defendant, Aspect Software, Inc., is a corporation organized under the laws of the State of Delaware.

27. Defendant is a software development company specializing in products and services solely for "contact centers", commonly known as call centers whose sole purpose is to place calls on behalf of direct marketers or for debt collection purposes. See Exhibit 13 attached hereto.

28. Defendant uses the mark "UNISON" in connection with a software product sold under the name ASPECT UNISON PREDICTIVE DIALER 7.1, which is described in Defendant's product literature as "a comprehensive outbound contact center solution." See Exhibit 14 attached hereto.

29. According to <wikipedia.org>, a predictive dialer "is a computerized system that automatically dials batches of telephone numbers for connection to agents assigned to sales or other campaigns. Predictive dialers are widely used in call centers." See Exhibit 15 attached hereto.

30. Defendant's promotional literature states: "Aspect® Unison® Predictive Dialer is a comprehensive outbound customer contact solution that improves your contact centers' effectiveness while seamlessly integrating with your existing voice and data systems. Agents spend more time talking to customers and prospects; supervisors are able to focus on agent performance using various tools for monitoring and coaching; and managers can concentrate on making dynamic campaign adjustments based on performance parameters that improve overall campaign effectiveness. The outcome is higher-quality interactions with customers and prospects and increased profits from your contact center investment." See Exhibit 14 attached hereto.

31. The ASPECT UNISON PREDICTIVE DIALER software product is part of a suite of software products that Defendant offers to call center, telemarketing and collection agency customers under its house mark ASPECT. For example, Defendant's promotional

literature states that ASPECT ENTERPRISE CAMPAIGN MANAGER, ASPECT RIGHTFORCE WORKFORCE MANAGEMENT, ASPECT ANALYZER, ASPECT CAMPAIGN OPTIMIZER, ASPECT CALLCENTER ACD and ASPECT SPECTRUM ACD should be utilized along with ASPECT UNISON PREDICTIVE DIALER for call center activities. Id.

32. Defendant consistently uses the ASPECT house mark in connection with the mark UNISON for its predictive dialer program as shown below:

See Exhibits 14 and 16 attached hereto.

33. On December 13, 1993, Davox Corporation filed U.S. Serial Application No. 74/470,070 for the mark UNISON for, "call management system, namely a computer hardware, a telecommunication switch and associated software for integrating, controlling, monitoring and reporting on the activities of a computerized call center consisting of - telecommunication systems, namely central and private telephone switch(s), inbound call telephone switch, voice response unit and video conference unit; computer hardware, software application programs and customer databases used to support inbound and outbound customer calling for multiple telephone agents" in Class 9 and "consulting services related to integrating, controlling and monitoring computerized call centers", in Class 42, claiming a date of first use of November 1993. See Exhibit 17 attached hereto.

34. U.S. Serial Application No 74/470,070 matured into U.S. Registration No. 1,942,025 on December 19, 1995. Id.

35. Upon information and belief, on May 2, 2002, Davox Corporation changed its name to Concerto Software, Inc. Id.

36. Upon information and belief, on September 22, 2005, Concerto Software, Inc. changed its name to Aspect Software, Inc. Id.

C. WIDESPREAD THIRD PARTY USE OF UNISON

37. The mark UNISON is in widespread use by third parties in connection with computer software products and is the subject of numerous U.S. federal registrations and applications. Representative examples of current U.S. federal registrations and applications include:

a. U.S. Registration No. 2,881,664 for UNISON covering "interactive multimedia conferencing services", in Class 38 and "data collection, data management and data analysis services", in Class 42. See Exhibit 18 attached hereto.

b. U.S. Registration No. 1,729,099 for UNISON covering "computer peripherals, namely storage subsystems for computers", in Class 9. See Exhibit 19 attached hereto.

c. U.S. Registration No. 2,513,675 for UNISON covering "electric light dimming systems comprising dimmers, dimmer racks, dimmer controls and computer software for operating electric light dimming systems", in Class 9. See Exhibit 20 attached hereto.

d. U.S. Registration No. 3,188,653 for UNISON covering "personal computer software used for reading, previewing, managing and downloading the messages and content available via use net groups on a global computer network and not for use with customer contact centers", in Class 9. See Exhibit 21 attached hereto.

e. U.S. Registration No. 3,127,678 for UNISONE covering "computer services, namely, development of specialized software for others for application and database integration, not including for computer telecommunication call centers", in Class 42. See Exhibit 22 attached hereto.

f. U.S. Registration No. 2,962,367 for UNISON ACCEL covering "telecommunication equipments, namely radio frequency hubs, optical hubs, multiplexers, and termination equipment for telecommunication networks; computer hardware and software for monitoring and optimizing radio, cellular, mobile, wireless or cordless telecommunication networks, network statistical analysis, frequency allocation, traffic control and network parameter management", in Class 9. See Exhibit 23 attached hereto.

g. U.S. Registration No. 2,076,990 for UNISON RESEARCH & Design covering "electro acoustic apparatus, namely, radio receivers; audio amplifiers, optical disk readers for cd, electronic apparatus, namely audio mixers, electronic computers, audio cables and electronic devices, namely electronic valves", in Class 9. See Exhibit 24 attached hereto.

h. U.S. Registration No. 3,156,164 for UNISON GOOD CLEAN DESIGN. & Design covering "advertising and marketing, public relations, advertising services, namely, creating corporate and brand identity for others", in Class 35 and "graphic art design, design of homepages and web sites, hosting websites of others on a computer server for a global computer network, creation and maintenance of web sites for others, copyright management", in Class 42. See Exhibit 25 attached hereto.

i. U.S. Registration No. 2,906,486 for UNISON THE COLLABORATIVE MEETING EXPERIENCE covering "interactive multimedia conferencing services", in Class 38 and "data collection, data management and data analysis services", in Class 42. See Exhibit 26 attached hereto.

j. U.S. Registration No. 3,112,097 for INTERREACH UNISON covering "telecommunication equipments, namely radio frequency hubs, optical hubs, multiplexers and termination equipment for telecommunications networks, computer hardware and software for monitoring and optimizing radio, cellular,

mobile wireless or cordless telecommunication networks, network statistical analysis, frequency allocation, traffic control and network parameter management", in Class 9. See Exhibit 27 attached hereto.

k. U.S. Registration No. 3,384,030 for DATAUNISON covering "market reports and studies, namely providing market data and research reports for others in the field of the on-line auctioning, trading and selling of items via a global computer network; providing a web site featuring market data for others in the field of the on-line auctioning trading and selling of items via a global computer network; market data analysis for others in the field of the on-line auctioning, trading and selling of items via a global computer network", in Class 35. See Exhibit 28 attached hereto.

l. U.S. Registration No. 3,346,531 for INUNISON covering "computer services, namely, designing and implementing web sites for others", in Class 42. See Exhibit 29 attached hereto.

m. U.S. Serial Application No. 77/343,317 for UNISON for "computer software for authoring e-learning courseware", in Class 9. See Exhibit 30 attached hereto.

n. U.S. Serial Application No. 77/343,292 for RAPID INTAKE UNISON for "computer software to enhance the audio-visual capabilities of multimedia

applications, namely for the integration of text, audio, graphics, still images and moving pictures", in Class 9. See Exhibit 31 attached hereto.

38. Representative examples of third party use of UNISON as a common law, unregistered mark for computer software include:

a. UNISON UPC computer control software for use in programming cutting tools, located at <unisonemail.com/software.htm>. See Exhibit 32 attached hereto.

b. UNISON for cellular services, located at <unisonsite.com/index.php>. See Exhibit 33 attached hereto.

c. UNISON File Synchronizer for electronic file storage and organizing, located at <cis.upenn.edu/~bcpierce/unison/>. See Exhibit 34 attached hereto.

d. UNISON MICRO for computer consulting services, located at <unisonmicro.com>. See Exhibit 35 attached hereto.

e. UNISON INFORMATION SYSTEMS for an online retail store featuring computer supplies, located at <unisoninfo.com/computer_supplies.htm>. See Exhibit 36 attached hereto.

f. EN UNISON for web application development, general computer software development services and website design and hosting services, located at <enunison.com>. See Exhibit 37 attached hereto.

g. UNISON IT for computer network services, located at <unisonit.com>. See Exhibit 38 attached hereto.

h. UNISON for software reselling, custom application developer, consulting and IT services, located at <unisonllc.com>. See Exhibit 39 attached hereto.

i. UNISON software application by Boston Software Systems for data mapping and targeted data synchronization for the healthcare market, located at <bostonworkstation.com>. See Exhibit 40 attached hereto.

D. HISTORY OF THE PARTIES' DISPUTE

39. On May 20, 2008, counsel for Defendant sent a notice of infringement to Plaintiff claiming that Plaintiff's use of UNISON for its unified business communications software product is likely to be confused with Defendant's use of UNISON for its predictive dialer software and constitutes "bad faith" "in violation of" Defendant's trademark rights. See Exhibit 41 attached hereto.

40. Defendant's letter was sent to Plaintiff three months after Plaintiff's announcement and launch of the beta version of Plaintiff's UNISON™ product.

41. To date, other than Defendant's May 20, 2008 letter, Defendant has taken no action against Plaintiff's continued use of the UNISON™ mark in connection with either the beta testing of the UNISON™ product by potential customers or the commercial launch of the UNISON™ product on July 29, 2008.

42. In view of Defendant's claim of trademark infringement, Plaintiff has a real and reasonable apprehension of litigation and brings this action for declaratory judgment to resolve the issues raised by Defendant.

COUNT I

REQUEST FOR DECLARATORY JUDGMENT OF NON-INFRINGEMENT

43. Plaintiff repeats and realleges the allegations set forth in paragraph 1 to 42 of its Complaint, as if fully set forth herein.

44. The computer software field is crowded with identical and/or highly similar trademarks for products which are marketed to distinct customer groups with particular technical requirements.

45. Plaintiff and Defendant operate in distinctly different niche markets of the computer software industry and offer different and distinguishable goods and services to different customers through different marketing channels.

46. Plaintiff's UNISON™ unified business communications software system permits its customers to integrate its internal telephony, email, instant messaging and calendaring into one integrated communications system.

47. Defendant's software permits operators of call centers, telemarketers and debt collection agencies to automatically dial batches of telephone numbers, increasing efficiency of dialing and increasing call time with called parties.

48. Plaintiff's software is marketed in the United States to sophisticated information technology professionals employed by small and medium sized business enterprises focused on choosing a unified, efficient and affordable business communications software solution.

49. Defendant's software is marketed solely to operators of call centers, telemarketing companies and debt collection agencies. Indeed, Defendant's U.S. Registration No. 1,942,025 is limited on its face to "computerized call center[s]." See Exhibit 17.

50. Furthermore, the UNISON mark is in widespread use by third parties for computer software and telecommunications goods and services, which further limits the scope of protection for Defendant's mark, "ASPECT UNISON PREDICTIVE DIALER", to its respective niche, namely, predictive dialing software applications for operators of call centers, telemarketing companies and debt collection agencies.

51. At no time since the announcement of Plaintiff's UNISON™ product in February 2008 has there been any confusion in the marketplace as a result of the parties' contemporaneous use of UNISON in connection with computer software products, nor has the Defendant pointed to any evidence of confusion.

52. The existence of widespread third party use of UNISON for computer software and telecommunications products and lack of evidence of confusion stemming from the co-existence of the parties' products confirms that the goods of the parties do not overlap in the U.S. marketplace, that the parties' products, target markets and target customers are distinctly different, and compels the conclusion that confusion is not likely to arise as a result of Plaintiff's use of its UNISON mark.

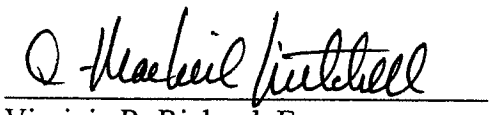
53. There exists an actual controversy between the parties as to the scope of Defendant's rights in the mark "UNISON" for predictive dialing software and as to Defendant's claim infringement of the mark "UNISON" by Plaintiff with respect to which Plaintiff requests a declaratory judgment in its favor pursuant to 28 U.S.C. §§ 2201 and 2202.

WHEREFORE, Plaintiff prays:

A. That the Court issue an order holding that Plaintiff's use of its mark UNISON™ does not infringe any claimed right of Defendant, and that Defendant's rights, if any, in the mark UNISON are limited to predictive dialing software for "computerized call centers."

B. That Plaintiff has such other and further relief as this court may deem just and proper.

Dated: August 7, 2008

By: 

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NY:1192656.6

EXHIBIT 1

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SUBMIT

Unison™, World's First Fully-Unified Communications Solution, to Launch at CeBIT 2008

February 26, 2008 – New York, NY – Revolutionary Linux-based Software Available for Beta Download March 4th

CeBIT 2008Hall 5, Booth F52

Unison™ (www.unison.com) will launch a beta version at CeBIT 2008 and create a new category of software – the fully-unified communications system.

Unison combines telephony, email, instant messaging and collaboration into a single unified product, both on the Linux back end for administrators and on the Windows® desktop for users. According to a study by Sage Research, unified communications can increase productivity by over 12.5% for companies that adopt it – or over one hour per day for each worker.

Rather than spending $40,000 or more on a separate PBX telephone system and email server, the 67 million small and medium businesses (SMBs) that IDC identifies worldwide can now simply deploy Unison instead, with cost savings above 85% as well as higher productivity for their staff.

"Unison will improve and simplify the way people work together within enterprises," said Michael Choupak, CEO of Unison Technologies, the creator of Unison. "After several years of development, the Unison team has delivered a product that works as a fully-unified system out of the box. There is no need to integrate Unison with a third-party PBX or other server, because it simply works, immediately, with all communication features included and unified. We expect Unison to improve global productivity as millions of business users' upgrade over the coming years."

With Unison Server™, which runs on Linux, companies no longer need to deploy a PBX and telephone system, or an email and instant messaging server, as all of these features are built into Unison. In effect, a company's entire communication system can run off a single Linux server. This reduces deployment costs as well as ongoing maintenance.

Users get Unison Desktop™, a single application for all their communications. It combines not only email, contacts and calendars, but also telephony, instant messaging and Unison Intelligent Presence™ – real-time free/busy status based on a user's current activity. All messages, chats and voicemail are accessible and searchable – and all conversations take place within this application.

Rurik Bradbury, chief marketing officer, said, "This is a very important product for the Linux world. With Unison, the Linux community has a world-beating unified communications solution that is superior in every respect to current offerings – truly unified, faster, better-featured, more reliable and more affordable. Companies that adopt Unison will gain a clear and immediate competitive advantage."

The Unison Beta will be available for download beginning March 4, the opening of the CeBIT 2008 expo. To learn more about Unison, visit www.unison.com.

ABOUT UNISON AND UNISON TECHNOLOGIES

Unison Technologies is the developer of Unison™, the world's first fully-unified communications system. Combining telephony, email...

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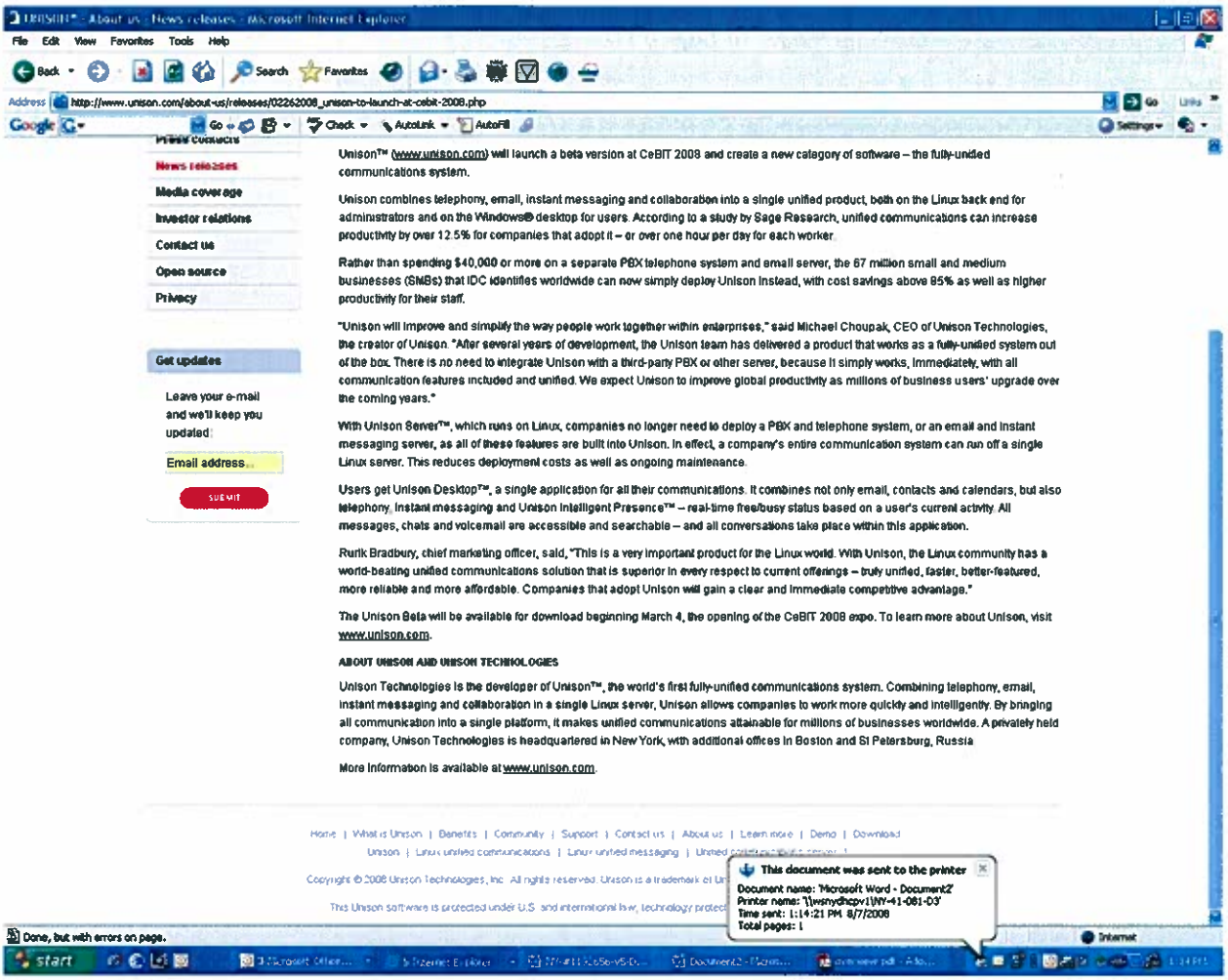

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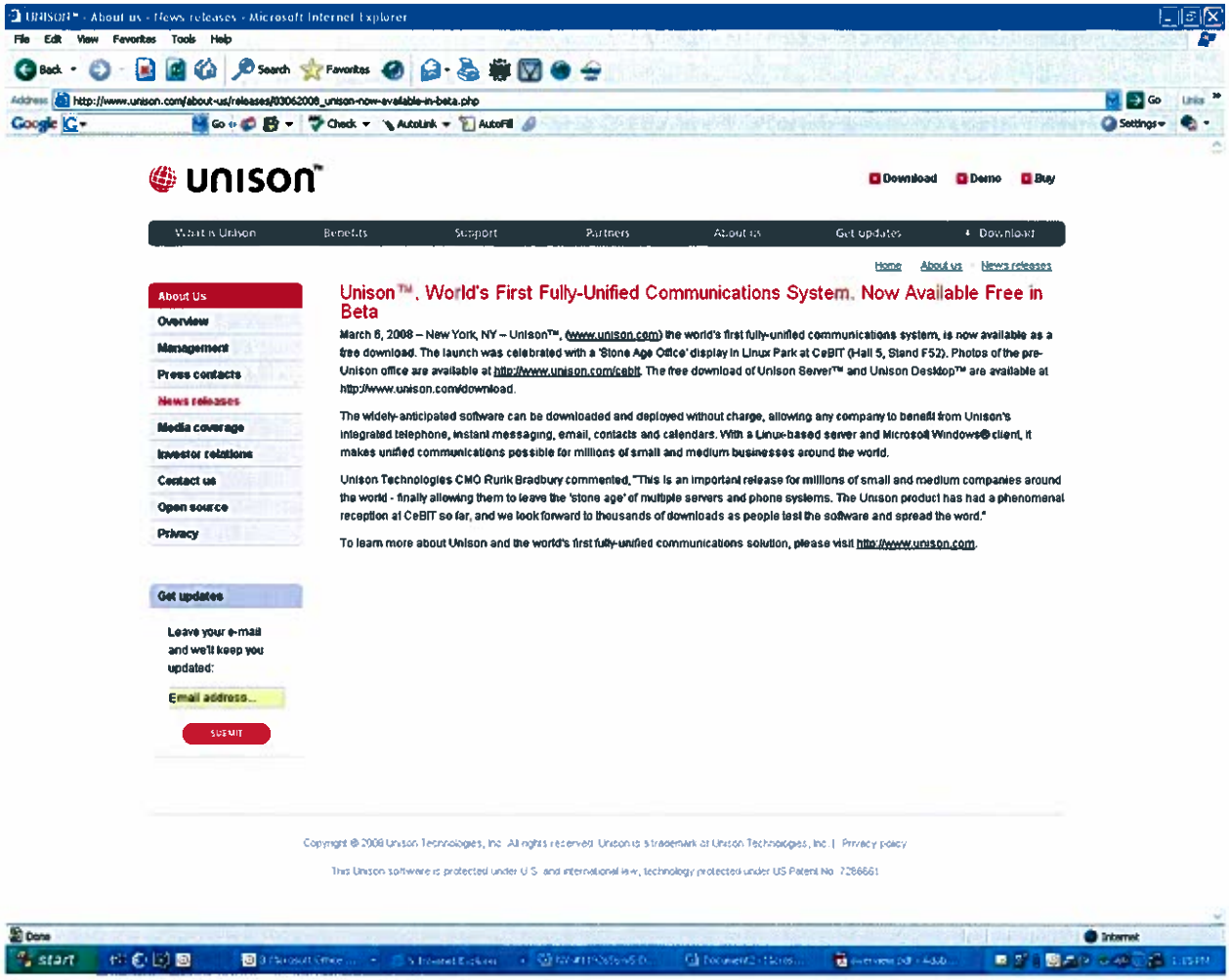
ABOUT UNISON AND UNISON TECHNOLOGIES

Unison Technologies is the developer of Unison™, the world's first fully-unified communications system. Combining telephony, email, instant messaging and collaboration in a single Linux server, Unison allows companies to work more quickly and intelligently. By bringing all communication into a single platform, it makes unified communications attainable for millions of businesses worldwide. A privately held company, Unison Technologies is headquartered in New York, with additional offices in Boston and St Petersburg, Russia.

More information is available at www.unison.com.



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SUBMIT

Unison™, World's First Fully-Unified Communications System, Now Available Free in Beta

March 6, 2008 – New York, NY – Unison™, (www.unison.com) the world's first fully-unified communications system, is now available as a free download. The launch was celebrated with a 'Stone Age Office' display in Linux Park at CeBIT (Hall 5, Stand F52). Photos of the pre-Unison office are available at http://www.unison.com/cebit. The free download of Unison Server™ and Unison Desktop™ are available at http://www.unison.com/download.

The widely-anticipated software can be downloaded and deployed without charge, allowing any company to benefit from Unison's integrated telephone, instant messaging, email, contacts and calendars. With a Linux-based server and Microsoft Windows® client, it makes unified communications possible for millions of small and medium businesses around the world.

Unison Technologies CMO Rurik Bradbury commented, "This is an important release for millions of small and medium companies around the world - finally allowing them to leave the 'stone age' of multiple servers and phone systems. The Unison product has had a phenomenal reception at CeBIT so far, and we look forward to thousands of downloads as people test the software and spread the word."

To learn more about Unison and the world's first fully-unified communications solution, please visit http://www.unison.com.

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This Unison software is protected under U.S. and international law, technology protected under US Patent No. 7286661

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SUBMIT
Unison™ launches live demo
First Linux-based unified communications software now available for instant testing.
March 20, 2008 – New York, NY – Unison Technologies (www.unison.com) has launched a live demo version of its Linux-based unified communications software, Unison™. The demo, available at www.unison.com/demo, allows users to try the advanced features of Unison, such as click-to-call and integrated email and instant messaging, without first installing their own copy of Unison Server™.
Unison combines telephony, email, instant messaging and collaboration into a single unified product, with a Linux server and a Windows® desktop for users. Since launching at CeBIT, the product has been requested and downloaded thousands of times, showing the tremendous demand for fully-unified communications.
"The Unison demo will allow thousands more people to try our product in the coming weeks," said Igor Balk, Unison Technologies CTO. "By simply downloading the Unison Desktop™ client and connecting to our managed demo servers, they can immediately experience some of the benefits offered by fully-unified communications." Currently in beta until the third quarter of 2008, Unison promises small and medium businesses (SMBs) a far superior alternative to the costly and non-unified telephone and email systems they have used until now. By integrating all communication into a single server and client, Unison raises productivity significantly, while at the same time reducing IT deployment and management costs. To register for a demo, please visit www.unison.com/demo. To download Unison Server, Unison Desktop and supporting documentation, go to www.unison.com/download.
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Unison™ now available as virtual appliance

New York, NY – May 6, 2008 – Unison Technologies (www.unison.com) has launched a VMware appliance version of its Linux-based unified communications software, Unison (http://www.unison.com). The Unison Virtual Appliance means that companies can deploy a complete unified communications solution in minutes - instead of hours or days for competing solutions, such as Microsoft's.

Available at www.unison.com/download, the virtual appliance includes a preconfigured Linux server with Unison Server™ already installed. This allows IT professionals to try the Unison beta with no cost and minimal setup time, by simply downloading and playing the virtual machine.

Currently in beta until the third quarter of 2008, Unison gives small and medium businesses (SMBs) an alternative to the costly and non-unified telephone and email systems they have had to use until now. By integrating telephony, email, IM and groupware into one single Linux unified communications (http://www.unison.com) server, Unison Server, it increases a company's productivity, while also reducing IT costs.

"The Unison Virtual Appliance is a great way to test Unison," said Igor Balk, Unison Technologies CTO. "It will let thousands more IT people see why Unison is superior to the over-complex unified communications offerings on the market today."

To download the Unison Server virtual appliance, as well as Unison Desktop and supporting documentation, go to www.unison.com/download. Unison Technologies also offers managed demo servers, which allow people to download the Unison Desktop client and try the Unison system with a free test account. To register for a demo, visit www.unison.com/demo.

ABOUT UNISON AND UNISON TECHNOLOGIES

Unison Technologies is the developer of Unison™, the world's first fully-unified communications system. Combining telephony, email, instant messaging and collaboration in a single Linux server, Unison allows companies to work more quickly and intelligently. By bringing all communication into a single platform, it makes unified communications attainable for millions of businesses worldwide. A privately held company, Unison Technologies is headquartered in New York with additional offices in Boston and St Petersburg, Russia.

More information is available at www.unison.com.

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Unison, World's First Fully-Unified Communications Software, Launches Commercially

Major Linux release will bring unified communications to millions of business users worldwide

New York, NY – July 29, 2008 – Unison Technologies (www.unison.com) has launched the world's first fully-unified communications software, Unison™. Combining telephony and a PBX, e-mail, instant messaging and groupware into a single integrated solution, Unison makes business communication simpler and richer than in the past. As the first fully-unified server, it also reduces costs by as much as 85% compared to other unified communications solutions.

One launch client of Unison analyzed the cost of upgrading its 1000 users to Microsoft Exchange 2007 - one part of Microsoft's unified communications platform. The company found Exchange to be three times more expensive than the entire Unison solution - even though Exchange alone cannot provide unified communications such as telephony, PBX or instant messaging.

Running on a single Linux server and built from the ground up as a unified communications platform, Unison is more reliable and cost-effective because it integrates PBX, e-mail and instant messaging into a single system. Companies do not need to purchase and maintain multiple expensive servers in order to communicate and increase productivity. Unison is initially targeted at small and midsized businesses (SMBs) with 20 to 1000 staff.

"Unison introduces a new era for business IT - single server, fully-unified communications," said Michael Cheupak, chief executive officer for Unison Technologies. "Companies can finally get advanced communications for all their employees, without spending huge amounts of time or money to deploy and maintain it."

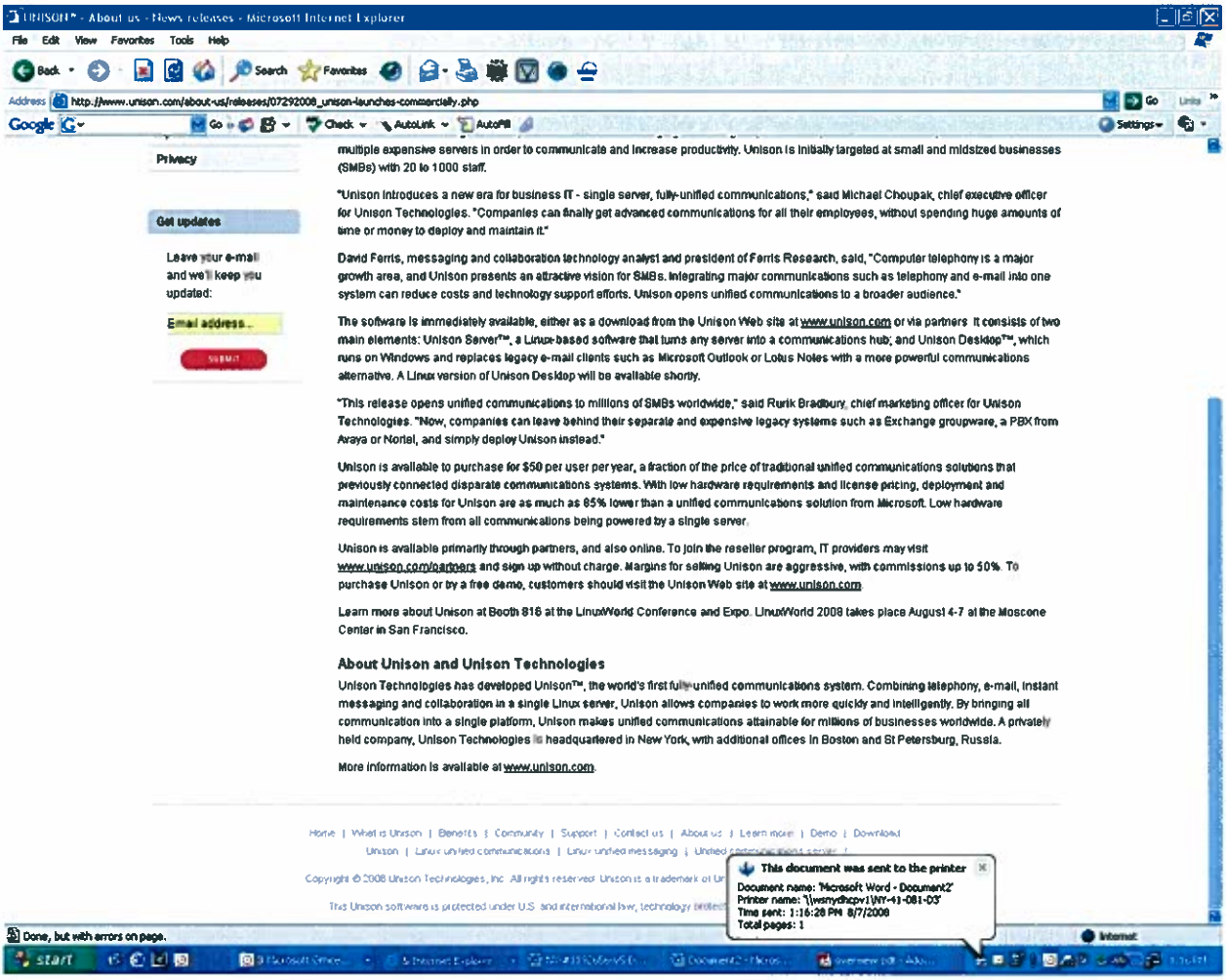
David Ferris, messaging and collaboration technology analyst and president of Ferris Research, said, "Computer telephony is a major growth area, and Unison presents an attractive vision for SMBs. Integrating major communications such as telephony and e-mail into one system can reduce costs and technology support efforts. Unison opens unified communications to a broader audience."

The software is immediately available, either as a download from the Unison Web site at www.unison.com or via partners. It consists of two main elements: Unison Server™, a Linux-based software that turns any server into a communications hub; and Unison Desktop™, which runs on Windows and replaces legacy e-mail clients such as Microsoft Outlook or Lotus Notes with a more powerful communications alternative. A Linux version of Unison Desktop will be available shortly.

"This release opens unified communications to millions of SMBs worldwide," said Rurik Bradbury, chief marketing officer for Unison Technologies. "Now, companies can leave behind their separate and expensive legacy systems such as Exchange groupware, a PBX from Avaya or Nortel, and simply deploy Unison instead."

Unison is available to purchase for $50 per user per year, a fraction of the price of traditional unified communications solutions that previously connected disparate communications systems. With low hardware requirements and license pricing, deployment and maintenance costs for Unison are as much as 85% lower than a unified communications solution from Microsoft. Low hardware requirements stem from all communications being powered by a single server.

Unison is available primarily through partners, and also online. To join the reseller program, IT providers may visit ...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multiple expensive servers in order to communicate and increase productivity. Unison is initially targeted at small and midsized businesses (SMBs) with 20 to 1000 staff.
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Unison is available primarily through partners, and also online. To join the reseller program, IT providers may visit www.unison.com/partners and sign up without charge. Margins for selling Unison are aggressive, with commissions up to 50%. To purchase Unison or try a free demo, customers should visit the Unison Web site at www.unison.com.
Learn more about Unison at Booth 816 at the LinuxWorld Conference and Expo. LinuxWorld 2008 takes place August 4-7 at the Moscone Center in San Francisco.
About Unison and Unison Technologies
Unison Technologies has developed Unison™, the world's first fully-unified communications system. Combining telephony, e-mail, instant messaging and collaboration in a single Linux server, Unison allows companies to work more quickly and intelligently. By bringing all communication into a single platform, Unison makes unified communications attainable for millions of businesses worldwide. A privately held company, Unison Technologies is headquartered in New York, with additional offices in Boston and St Petersburg, Russia.
More information is available at www.unison.com.
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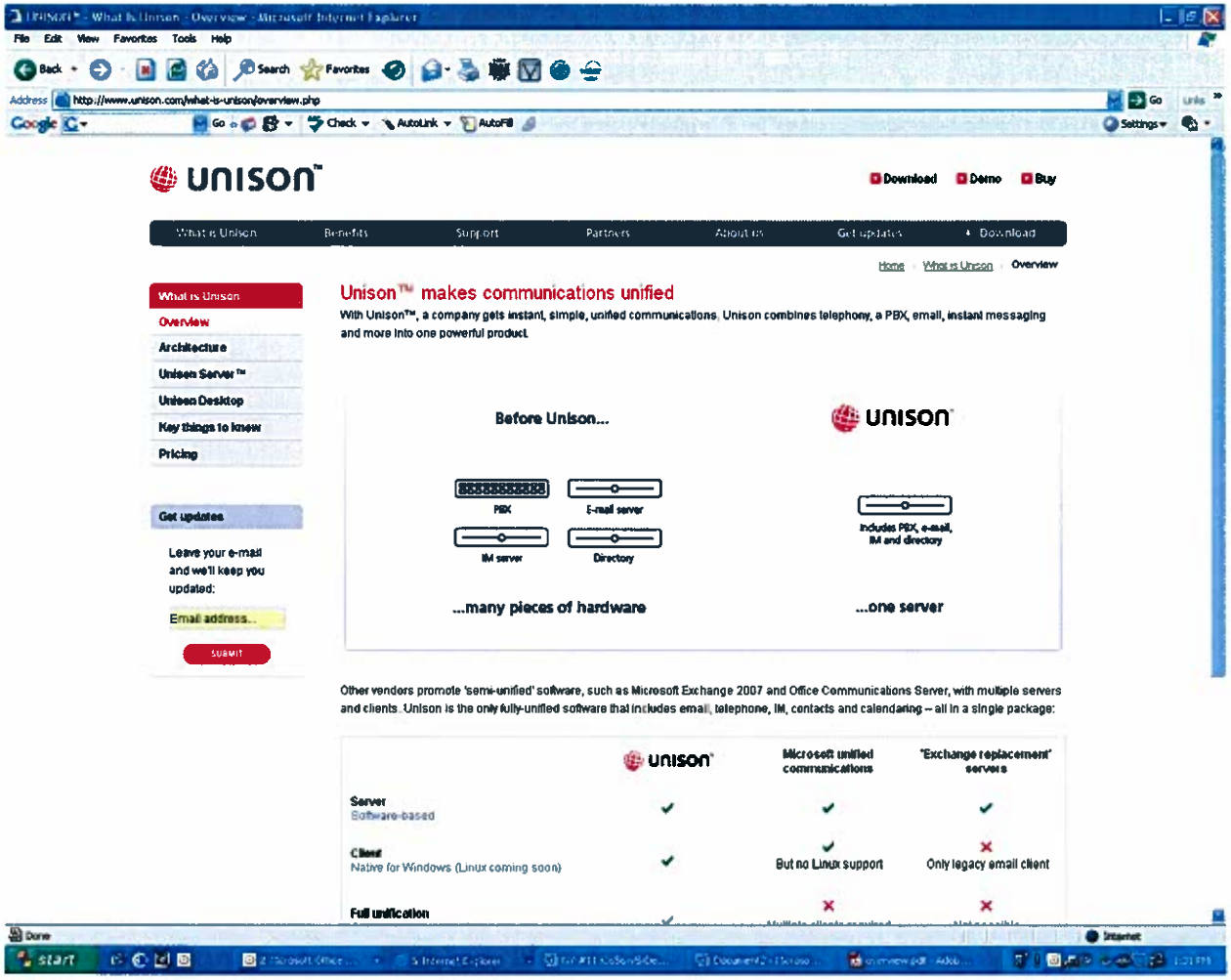
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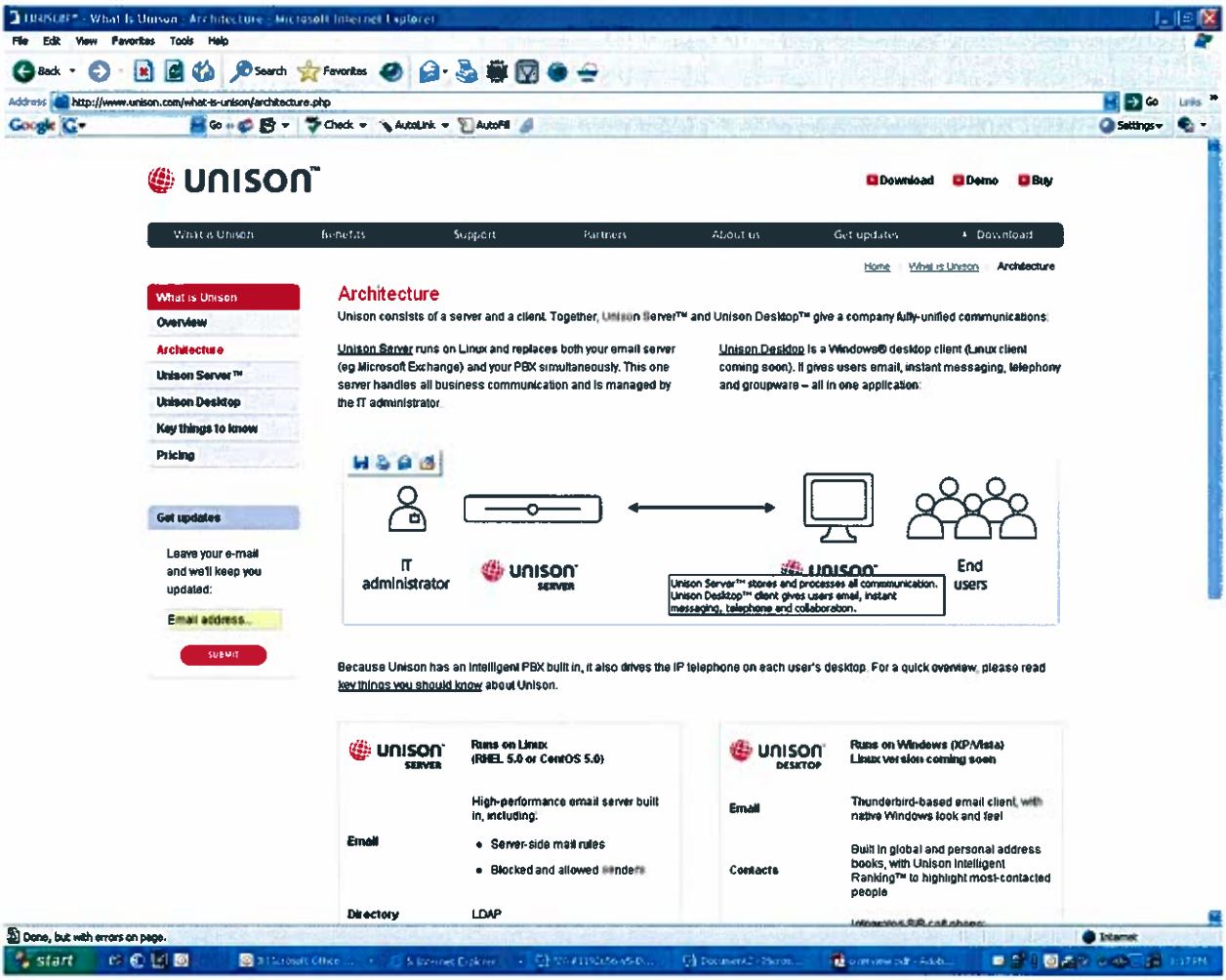
...one server
Other vendors promote 'semi-unified' software, such as Microsoft Exchange 2007 and Office Communications Server, with multiple servers and clients. Unison is the only fully-unified software that includes email, telephone, IM, contacts and calendaring – all in a single package:
unison
Microsoft unified communications
"Exchange replacement" servers
Server
Software-based
Client
Native for Windows (Linux coming soon)
But no Linux support
Only legacy email client
Full unification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Architecture
Unison consists of a server and a client. Together, Unison Server™ and Unison Desktop™ give a company fully-unified communications.
Unison Server runs on Linux and replaces both your email server (eg Microsoft Exchange) and your PBX simultaneously. This one server handles all business communication and is managed by the IT administrator.
Unison Desktop is a Windows® desktop client (Linux client coming soon). It gives users email, instant messaging, telephony and groupware – all in one application.
IT administrator
unison SERVER
Unison Server™ stores and processes all communication. Unison Desktop™ client gives users email, instant messaging, telephone and collaboration.
End users
Because Unison has an intelligent PBX built in, it also drives the IP telephone on each user's desktop. For a quick overview, please read key things you should know about Unison.
unison SERVER
Runs on Linux (RHEL 5.0 or CentOS 5.0)
High-performance email server built in, including:
Email
Server-side mail rules
Directory
LDAP
unison DESKTOP
Runs on Windows (XP/Vista) Linux version coming soon
Email
Thunderbird-based email client, with native Windows look and feel
Contacts
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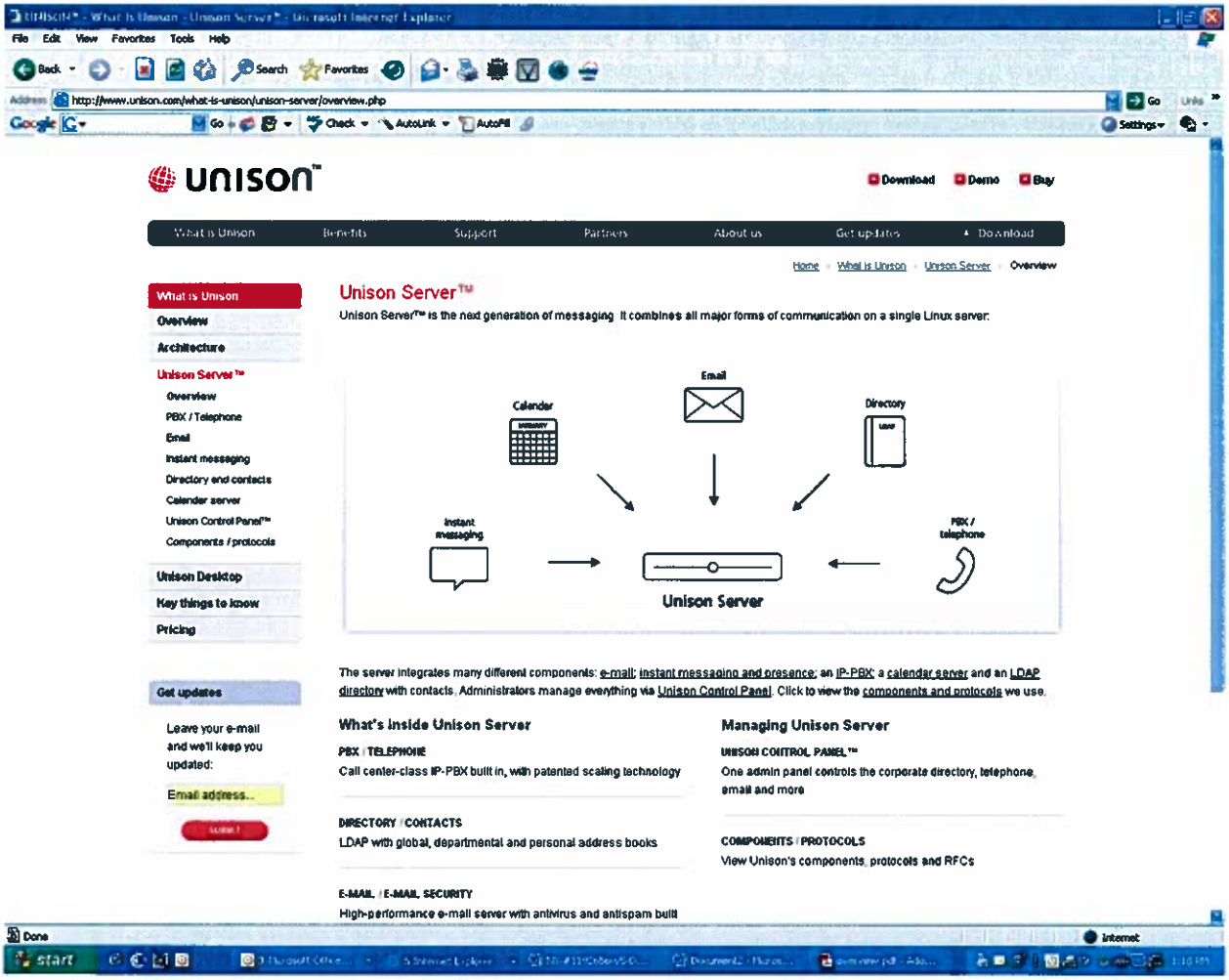
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Unison Control Panel™
Components / protocols
Unison Desktop
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Unison Server™
Unison Server™ is the next generation of messaging. It combines all major forms of communication on a single Linux server.
Email
Calendar
Directory
Instant messaging
PBX / telephone
Unison Server
The server integrates many different components: e-mail; instant messaging and presence; an IP-PBX; a calendar server and an LDAP directory with contacts. Administrators manage everything via Unison Control Panel. Click to view the components and protocols we use.
What's inside Unison Server
PBX / TELEPHONE
Call center-class IP-PBX built in, with patented scaling technology
DIRECTORY / CONTACTS
LDAP with global, departmental and personal address books
E-MAIL / E-MAIL SECURITY
High-performance e-mail server with antivirus and antispam built
Managing Unison Server
UNISON CONTROL PANEL™
One admin panel controls the corporate directory, telephone, email and more
COMPONENTS / PROTOCOLS
View Unison's components, protocols and RFCs
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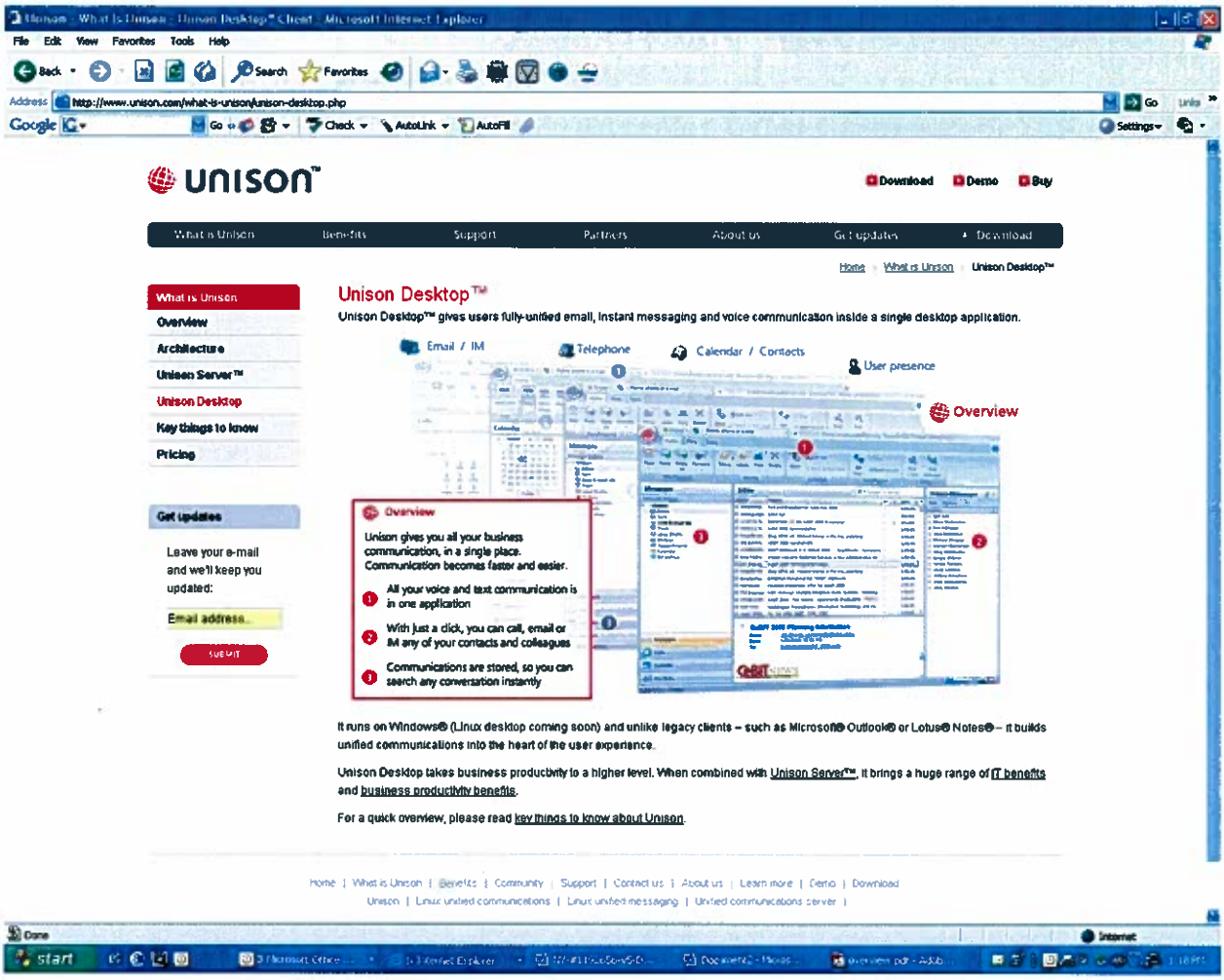
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Unison Desktop™
Unison Desktop™ gives users fully-unified email, instant messaging and voice communication inside a single desktop application.
Email / IM
Telephone
Calendar / Contacts
User presence
Overview
Overview
Unison gives you all your business communication, in a single place. Communication becomes faster and easier.
1 All your voice and text communication is in one application
2 With just a click, you can call, email or IM any of your contacts and colleagues
3 Communications are stored, so you can search any conversation instantly
It runs on Windows® (Linux desktop coming soon) and unlike legacy clients – such as Microsoft® Outlook® or Lotus® Notes® – it builds unified communications into the heart of the user experience.
Unison Desktop takes business productivity to a higher level. When combined with Unison Server™, it brings a huge range of IT benefits and business productivity benefits.
For a quick overview, please read key things to know about Unison.
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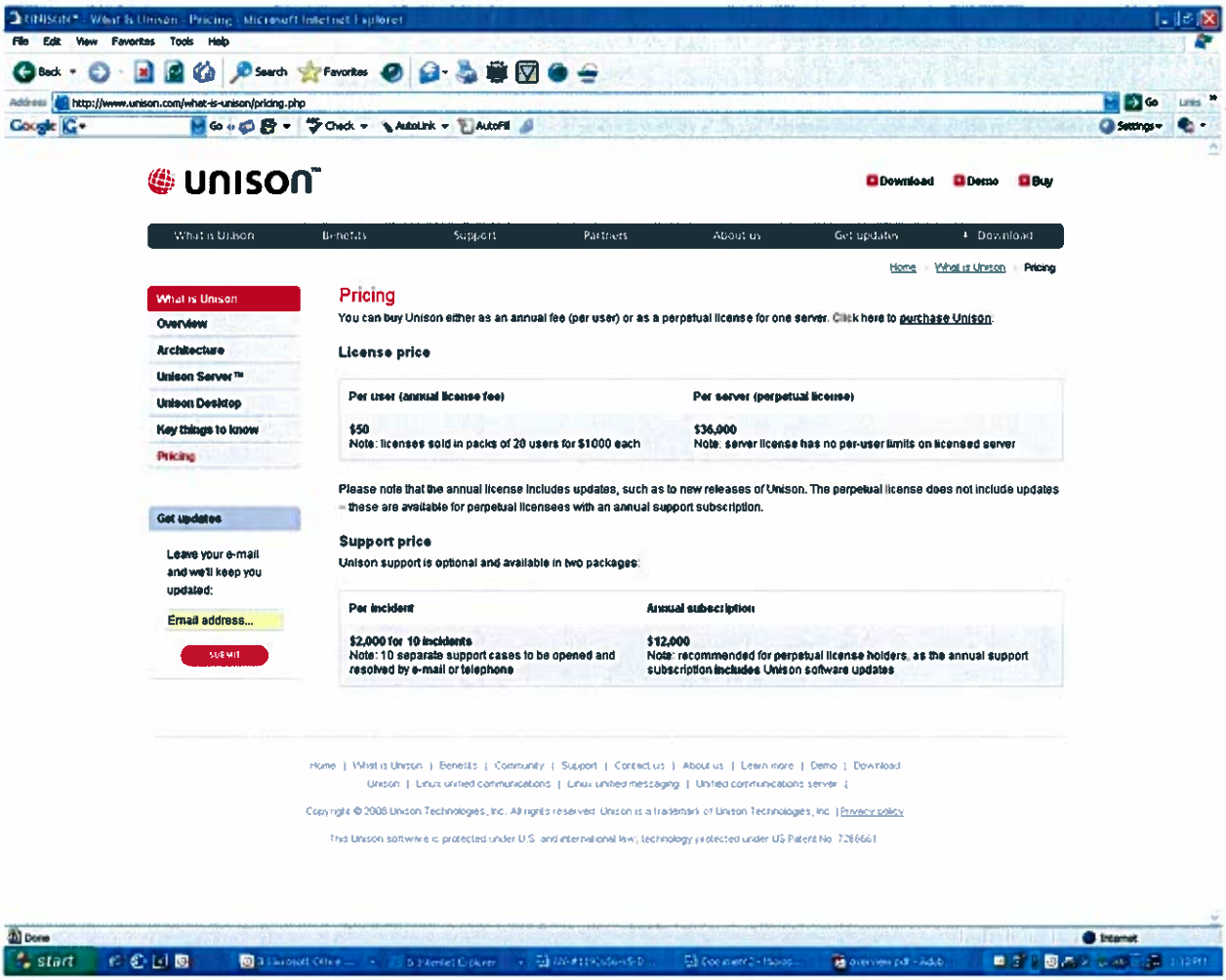
Unison | Linux unified communications | Linux unified messaging | Unified communications server |



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Pricing

You can buy Unison either as an annual fee (per user) or as a perpetual license for one server. Click here to purchase Unison.

License price

Per user (annual license fee)	Per server (perpetual license)
$50 Note: licenses sold in packs of 20 users for $1000 each	$36,000 Note: server license has no per-user limits on licensed server

Please note that the annual license includes updates, such as to new releases of Unison. The perpetual license does not include updates – these are available for perpetual licensees with an annual support subscription.

Support price

Unison support is optional and available in two packages:

Per incident	Annual subscription
$2,000 for 10 incidents Note: 10 separate support cases to be opened and resolved by e-mail or telephone	$12,000 Note: recommended for perpetual license holders, as the annual support subscription includes Unison software updates

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Unison | Linux unified communications | Linux unified messaging | Unified communications server |

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This Unison software is protected under U.S. and international law; technology protected under US Patent No. 7266661

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EXHIBIT 3

Linux and Open Source

Dana Blankenhorn & Paula Rooney

February 27th, 2008

Linux-based Unison server to challenge Microsoft Unified Communications Platform

Posted by Paula Rooney @ 2:04 pm

A group of former execs from a Microsoft messaging hosting partner are going to launch a Linux-based unified communications platform that will compete directly against Microsoft.

Unison, a two-year-old developer based in New York, plans to release into beta testing the Linux server and Windows client code at CeBIT 2008 on March 4. The finished server, Windows client and forthcoming Linux client, will ship later this year, execs said.

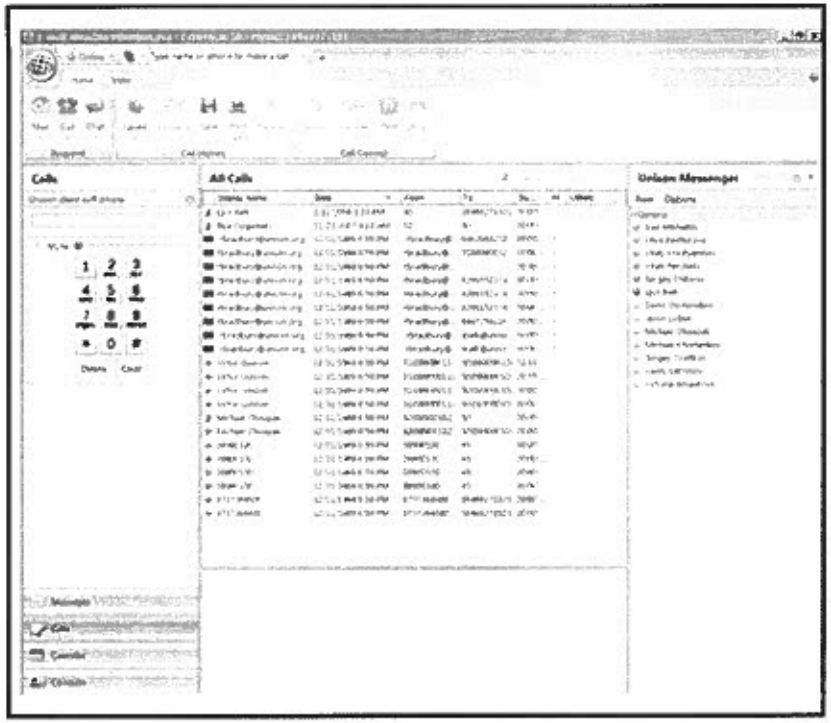
The platform combines PBX, email, contact, calendar, contacts, instant messaging and directory and presence iservices onto a single Linux server and will compete directly against Microsoft's Unified Communications platform, CMO Rurik Bradbury said.

Unison is based on many top open source components – including Mozilla's Thunderbird client, MySQL, Jabber Instant Messaging and Clam AV. Unison will offer a free community version of its SMB platform as well as a commercial version whose price has not yet been released. Support will be optional.

Many of the top execs – including CMO Rurik Bradbury – came from Intermedia, a top NY-based Microsoft hosting partner focused on Microsoft's communications technologies.

Bradbury said the Unison product, which has been under development for two years, addresses shortfalls of the Microsoft platform and offers significant savings in deployment costs.
For example, all of the components are integrated into a single server – including the PBX and telephony system with the e-mail system (see UI below) – vastly reducing deployment and maintenance costs, Bradbury maintains.

Case 1:08-cv-07056-SAS Document 1-2 Filed 08/07/2008 Page 16 of 87



Another cost saving: the installation and deployment will require an IT administrator with Linux experience but won't require a specialist or solution provider to provide integration services for the components, as the Microsoft platform requires, Bradbury maintains.

Microsoft launched its long awaited Unified Communications platform in October. The platform consist of the Office Communications Server 2007, with integrated VoIP, video, IM, conferencing and presence; the Microsoft Exchange Server 2007 with e-mail, contact, calendar and directory services, and the Office Communicator 2007 client. It also offers two other components – a speech server and RoundTable conferencing phone with a 360 degree camera – as optional components.

Unison is launching its namesake UC platform at CeBIT 2008 in Germany and promises to have the server and client components available globally by the end of 2008. The server, aimed at as many as 2300 users, will be sold through North American, European and Asian channels. An enterprise version is under development.

Paula Rooney is a Boston-based writer who has followed the tech industry for almost two decades. See her full profile and disclosure of her industry affiliations.

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This story appeared on LinuxWorld at
http://www.linuxworld.com/news/2008/030608-cebit-everything-in-unison-on.html

Everything in Unison on Linux

By Bryan Betts, TechWorld, 03/06/08

Software developer Unison has launched what it claimed is the world's first fully-unified communications suite based on Linux.

Sponsored by:

Announced at CeBIT, the suite (also simply called Unison) combines IP telephony, email and instant messaging with diary, address book and presence capabilities, all in a single Linux server. It is available free as a public beta.

"You can get all these elements separately on Linux, but this is the first time they have all been in one server," said Rurik Bradbury, Unison's chief marketing officer. Other unified communications (UC) schemes, such as Microsoft's Office Communications Server (OCS) can require three or more servers to do the same thing, he added.

"If you're reasonably familiar with Linux, you can deploy Unison in a couple of hours, and have a complete system running for a company of perhaps 50 or 60 people in half a day," he said.

The server software works with a Unison client program for Windows PCs. This provides a genuine alternative to Microsoft's combination of Exchange and Outlook, Bradbury claimed.

"We're amazed no-one has done this before -- build both a client and a server. Others have either one or the other," he said. He added that a Linux version of the client will come later this year.

Unison is aimed at 20- to 300-seat organizations, but the US-based company plans to add server clustering in the future to support more. It is partly based on open source technology, such as

Case 1:08-cv-07056-SAS Document 1-2 Filed 08/07/2008 Page 21 of 87

Thunderbird for email and Jabber for instant messaging, and partly developed by Unison's own programmers.

The software is initially offered as a free beta version but is already fit for use, Bradbury claimed.

"It is almost finished -- it is relatively stable software," he said, joking that he uses commercial software that's less robust.

Once the beta program is complete there will be a free "community" version for up to 20 users, and per-user or perpetual licences will be sold for larger systems, although pricing for those is not yet fixed.

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EXHIBIT 5

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March 06, 2008

CeBIT: Everything in Unison on Linux

Unified comms suite targets Exchange and Outlook

By Bryan Betts, Techworld

Software developer Unison has launched what it claimed is the world's first fully-unified communications suite based on Linux.

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EXHIBIT 6

Unison(TM) is Now Available Free in Beta

Category: Business

Published: 03/07/2008, 10:05

Editor: Catalin Buda

Unison, the world's first fully-unified communications system, which combines telephone, email, instant messaging and more in a single server, can now be downloaded for free. Being simple and instant to deploy, as well as cost-effective, and by running on Linux, it will change the way that millions of people communicate.

Being celebrated with a 'Stone Age Office' display, the launch took place in Linux Park at CeBIT (Hall 5, Stand F52). Photos of the pre-Unison office are available at http://www.unison.com/cebit . The free download of Unison ServerTM and Unison DesktopTM are available at http://www.unison.com/download .

This is an important release for millions of small and medium companies around the world - finally allowing them to leave the 'stone age' of multiple servers and phone systems. We look forward to thousands of downloads as people test the software and spread the word, because the Unison product has had a phenomenal reception at CeBIT so far.

The widely-anticipated software can be downloaded and deployed without charge, allowing any company to benefit from Unison's integrated telephone, email, instant messaging, contacts and calendars. **It makes unified communications possible for millions of small and medium businesses around the world, with a Linux-based server and Microsoft Windows® client.**

"This is an important release for millions of small and medium companies around the world - finally allowing them to leave the 'stone age' of multiple servers and phone systems. The Unison product has had a phenomenal reception at CeBIT so far, and we look forward to thousands of downloads as people test the software and spread the word", commented Unison Technologies CMO Rurik Bradbury.

To learn more about Unison and the world's first fully-unified communications solution, please visit http://www.unison.com .

EXHIBIT 7

ComputerWeekly.com

Desktop Software

Unison offers live online test for Linux unified comms system

Author: Antony Savvas **Posted:** 15:00 19 Mar 2008 **Topics:** Operating Systems | Networking | Electronic Messaging | Linux | Open Source Software | e-mail

Unison Technologies' Linux-based unified communications software is now available for instant testing.

The Unison Server unified comms system was launched at this month's CeBIT show, and the firm has now released a live demo version.

The demo allows users to test out features such as click-to-call and integrated e-mail and instant messaging without having to install their own copy of Unison Server.

The full system combines telephony, e-mail, instant messaging and collaboration into a unified product, with a Linux server and a Windows desktop for users.

"The Unison demo will allow thousands more people to try our product in the coming weeks," said Igor Balk, Unison Technologies' CTO.

"By simply downloading the Unison Desktop client and connecting to our managed demo servers, they can immediately experience some of the benefits of fully-unified communications."

Unison Server is in beta until the third quarter of 2008, and Unison promises small and medium-sized enterprises a "far superior alternative to costly and non-unified telephone and e-mail systems".

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EXHIBIT 8

Unison Groupware Demo Now Available

Mar 20, 2008 **Unison is a groupware product first presented at Cebit 2008 that combines PBX telephony, a groupware server, instant messaging and directory services with its own Windows client. An online trial version is available for anyone interested in the product.**

US software vendor Unison has thus produced a genuine alternative to Exchange. Unison runs on Linux servers and supports both Web access and its own native client. The client is already available as a full-fledged replacement for Outlook on Windows systems with a native Linux groupware client due to follow: "We should have a version of our Linux client available by late summer" Chief Marketing Officer Rurik Bradbury revealed to Linux Magazine.

Standard groupware functions such as email, address book and calendar are just the start, says Bradbury: Unison also offers IP and PBX telephony, synchronization with mobile devices, instant messaging and in office/out of office display, directory integration: a MySQL database and integrated anti-virus and anti-spam software round off the feature set.

The first demo of the proprietary groupware product is now available for trials. For more details surf to the Unison website here.

(Markus Feilner)

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EXHIBIT 9

Hosted **Microsoft Exchange** is the corporate standard for **email**

HOSTED Microsoft® Exchange

BT teams with Siemens on IP communications

BT and Siemens are working on a converged communications solution

Dave Bailey, IT Week, 06 May 2008

UK carrier **BT** and enterprise IP communications vendor **Siemens** have teamed up to provide large enterprises a 'one-stop converged communications solution'.

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The global sales agreement aims to help enterprises, "Reduce costs, remove complexity and risk, improve collaboration and enhance business processes" the firms said.

Firms wanting to move to a converged data and voice system could roll out the partnered system, which Siemens explained, "Offers a single service level agreement as well as a flexible pricing model with a single point of contact for end-to-end managed services."

The system uses Siemens OpenScape communications suite and OpenScale services with BT's carrier class multi-protocol label switched (MPLS) network.

BT's systems integrators and channel partners vice president Chris Ainslie said that many of its customers had, "Accumulated complex, usually multi-vendor voice and data infrastructures, which our agreement with Siemens offers them a way of to leveraging their significant legacy investments."

Separately, Unison Technologies has announced a VMware appliance version of its Linux-based unified communications software, Unison.

The virtual appliance includes a preconfigured Linux server with Unison Server already installed. Unison said, "Integrating telephony, email, IM and groupware into a single Linux unified communications server, Unison Server, increases a company's productivity, while also reducing IT costs."

Unison is also offering firms to download and managed demo servers, allowing people to use a free test account.

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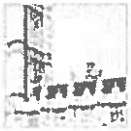

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EXHIBIT 10

ChannelWeb

Startup Puts Unified Communications On One Box

(URL: http://www.crn.com/software/208801770)

By Kevin McLaughlin, ChannelWeb

7:10 PM EDT Mon. Jun. 30, 2008

Unison, a startup that's taking an open source path to bringing unified communications to the masses, on Monday announced pricing details and its inaugural channel program.

Unison's Linux-based unified communications software wraps together a PBX system, email server, instant messaging server, contacts and calendar into a single server and desktop client. This unification of disparate parts, and Unison's use of open source components, allow the vendor to keep prices low enough to appeal to SMBs, according to Rurik Bradbury, chief marketing officer at the New York City-based vendor.

When Unison launches its flagship unified communications product sometime in the third quarter, it'll charge $50 per user, per year, and will also offer a perpetual license option at a per-server price of $36,000 with no user limits, Bradbury said.

Unison's unified communications offering scales from 20 to 1,000 users, and its PBX includes all the features and functionality of high-end offerings from Avaya, Nortel, and Cisco, said Bradbury. Unison also incorporates a significant amount of pre-existing code, using XMPP for instant messaging and Thunderbird for the basis of its desktop client, Bradbury said.

Bradbury, a former vice president at New York-based Microsoft hosting partner Intermedia, says that while competing with Microsoft will no doubt be challenging, he believes it'll take some time before Microsoft is able to come to market with a unified solution that's attractive to SMBs, and that this spells opportunity for VARs with telephony experience.

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CeBIT Profile

The leading business event for the digital world

CeBIT is the world's largest trade fair showcasing digital IT and telecommunications solutions for home and work environments. The key target groups are users from industry, the wholesale/retail sector, skilled trades, banks, the services sector, government agencies, science and all users passionate about technology.

CeBIT offers an international platform for comparing notes on current industry trends, networking, and product presentations. Deutsche Messe AG has organized CeBIT in Hannover each spring since 1986.

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CeBIT concept Identifying trends, responding to challenges - complete solutions for concrete applications

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Display Categories

Identifying trends, responding to challenges - for a number of years now CeBIT has been focusing not just on technologies and products, but also on complete solutions for concrete applications. An approach that has proved extremely popular with visitors and exhibitors alike.

Such a vast array of exhibits needs to be structured and organized into clearly defined - and clearly marked - display categories. New additions to CeBIT as from 2009 will include the fast-growing segment Internet & Mobile Solutions.

All the sectors, all the themes, all the trends

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Halls 14-15

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Hall 6

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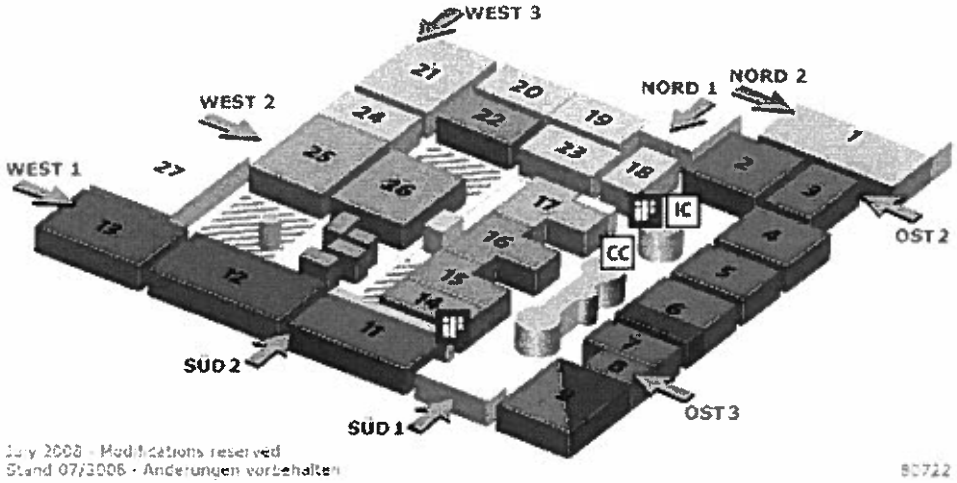

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Attorney Assigned:
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About Aspect Software

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Aspect delivers unified communications for the contact center

Drawing on decades of insight gleaned from working with the world's leading companies to redefine the contact center, Aspect Software is bringing unified communications to the contact center.

Combining unified communications with contact center applications, our unified vision can transform customer-company interactions by streamlining and enhancing customer-facing business processes – and seamlessly extending those processes beyond the contact center.

Aspect Software is the largest and most experienced company focused solely on customer-company interactions. And we build our unparalleled contact center industry insight into all our offerings.

Aspect Software powers:

- 90 percent of the Fortune 50 contact centers
- 83 percent of the Fortune 100 contact centers
- 5,000 sites in 50 countries

Our difference brings customers value. Only Aspect Software is:

- **Proven** – Our technology powers more than 1.2 million agents at over 5,000

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customer sites worldwide that manage more than 125 million customer-company interactions every day.

- **Reliable** – Our solutions perform in some of the most rigorous environments, providing up to 99.999 percent contact delivery reliability.
- **Focused** – We are backed by more than 2,100 dedicated individuals focused solely on products and services for customer-company interactions.
- **Experienced** – We bring a 35-year history of knowledge, skills, innovation and experience in the contact center.

Learn how our solutions support today's IT infrastructures.

Learn more about Unified Communications in the Contact Center.

Learn about our Products for Interaction Management and Performance Optimization.

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EXHIBIT 14

Aspect® Unison® Predictive Dialer

Effective proactive customer contact strategies require a combination of features that minimize abandon rates and make live agent-to-customer connections at every opportunity while ensuring compliance and managing security risks. Your company requires solutions that improve agent productivity, maximize revenue opportunities, allow flexibility in managing operating costs and leverage investments in your existing technology, applications and infrastructure.

Highlights

- Browser-based desktop.
- Highly accurate call classification.
- Filter manager.
- Robust security.
- Telemarketing compliance tools.
- VoIP agent connectivity.

Aspect Unison Predictive Dialer is an industry-leading solution that helps organizations around the world do all of this and more—with less. The more campaigns you are running, the more revenue you can potentially generate. Creating, launching and operating outbound customer contact campaigns has never been easier for your contact center administrators. With the advanced capabilities of Aspect Unison Predictive Dialer, your agents spend more time talking to your customers and prospects and less time focusing on non-revenue generating activities.

Aspect Software understands that compliance and information security are of paramount importance to businesses and consumers. Companies must conduct outbound campaigns with maximum customer care in mind—ensuring they do not subject customers and prospects to unwanted phone calls or put personal information in jeopardy, as these actions can result in poor customer satisfaction, lost revenue and steep fines.

Aspect Unison Predictive Dialer provides the means to meet regulatory, security and customer satisfaction goals, enabling you to customize security configurations to meet your unique requirements and delivering the tools you need to comply with current and emerging industry regulations.

Aspect™

Key Benefits

- Maximize revenue opportunities.
- Reduce costs.
- Increase customer satisfaction.
- Enhance security.
- Comply with regulatory requirements.

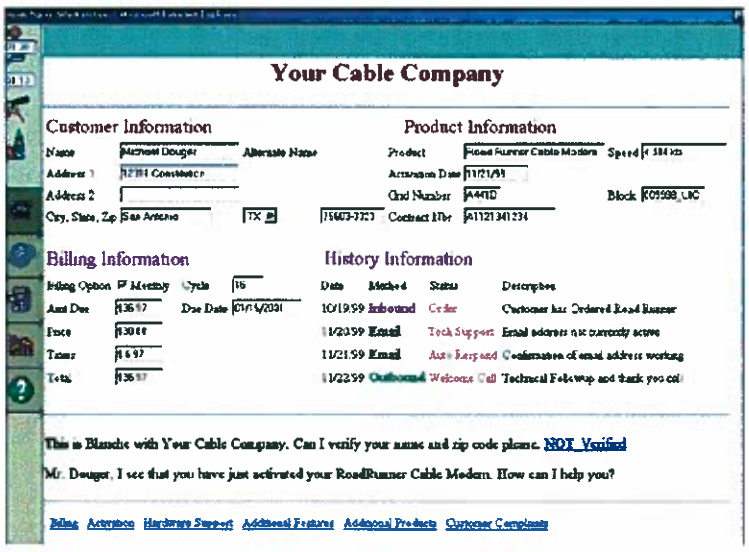
Aspect® Unison® Predictive Dialer is a comprehensive outbound customer contact solution that improves your contact centers' effectiveness while seamlessly integrating with your existing voice and data systems. Agents spend more time talking to customers and prospects; supervisors are able to focus on agent performance using various tools for monitoring and coaching; and managers can concentrate on making dynamic campaign adjustments based on performance parameters that improve overall campaign effectiveness. The outcome is higher-quality interactions with customers and prospects and increased profits from your contact center investment.

Increase Profitability

When minutes or even seconds count towards profitability, Aspect Unison Predictive Dialer dramatically improves operations by employing predictive dialing technology to pace outbound calls based on anticipated agent availability and provides agents with high-quality contacts. Aspect Unison Predictive Dialer offers Power Dialing, Preview Dialing and Predictive Dialing pacing options that can be defined on a campaign by campaign basis. The pacing type can be updated at any time to meet changing requirements and organizational capabilities.

People are the largest expense and investment in any contact center. Every minute that agents are under-utilized can equate to potential lost revenue. Aspect Unison Predictive Dialer call blending optimizes the assignment of agents between inbound and outbound call handling. It enables true call blending by monitoring service levels on inbound queues within your contact center and subsequently making agents available for customers as the need arises. The movement of agents between outbound and inbound tasks is seamless, ensuring that your customers receive prompt service and your agents are efficiently utilized.

Example of LYRICall™ desktop application.



Increase Revenue Opportunities

Aspect Unison Predictive Dialer enables you to define, implement and modify specific outbound campaign strategies quickly and efficiently. You can prioritize call records based on criteria such as time zone, account balance, due date, who to call, how to call and when to call. It is all under your control. You can automatically implement your strategies and measure calling effectiveness in a manner that lets you make adjustments to campaigns in real-time without disrupting contact center operations.

Key Aspect Unison Predictive Dialer campaign management capabilities include:

- *Campaign Flow* - automatically and seamlessly transition agents from the existing campaign to the next pre-defined campaign as each call table nears completion.
- *Exclusion list management* - exclude select call records from being dialed using three methods: Auto Record Exclude, Dynamic Record Exclude and Manual Record Exclude.
- *Alert Manager* - set performance criteria and thresholds for monitoring and receive notification immediately if these are in danger of being compromised using the patented alert capability included in Aspect Unison Predictive Dialer.
- *Filters* - increase campaign effectiveness by prioritizing contacts. Filters are user-created selection criteria statements that allow you to prioritize contacts by defining specific criteria to target records within a call table for inclusion in a campaign, or to create new call lists based on filter output.

The more time your agents spend on live contacts, the greater your revenue opportunities. The industry-leading call analysis capabilities in Aspect Unison Predictive Dialer detect non-contact outcomes such as busy signals, no answers and fax tones, with a high degree of accuracy. The telephony platform—the Digital Communication Processor (DCP)—is capable of maintaining an answering machine detection accuracy rate of 90 percent, +/- five percent within two seconds and is able to accurately detect and handle call blocking devices such as the Telezapper.

Improve Customer Satisfaction

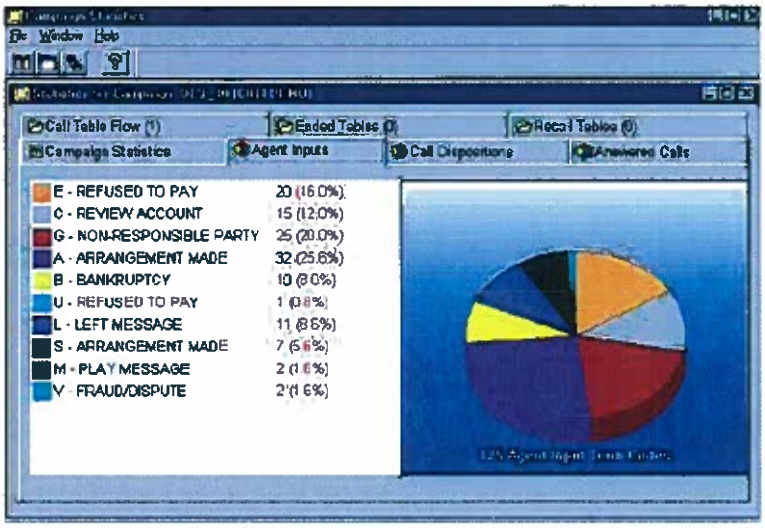
Customers are happiest when the agents they speak with have the appropriate skills and information needed to handle their transactions. Customers also appreciate being able to speak with the same agent if more than one discussion is needed. To accomplish this, Aspect® Unison® Predictive Dialer offers:

- **Skills-based routing** - match appropriately-skilled agents with specific customer call records based on a variety of attributes. As call records are processed and customers are engaged, skills requirements are evaluated and matched to an appropriately skilled agents. An easy-to-use interface allows administrators to define call handling options when matched-agents are unavailable.
- **Specific agent recall** - enable agents to "own" specific callbacks. Agents scheduling recalls enter appropriate recall termination codes, along with specified dates and/or times. Enhanced Recall Queuing allows recalls to be maintained and dialed regardless of whether the campaign is active or has ended.

Enhance Agent Efficiency

Given that agents are the most costly contact center resource, ensuring their time is well-spent is critical to success. Aspect Unison Predictive Dialer provides two primary agent desktop options and monitoring and assistance tools to maximize agent call handling abilities.

- **LYRICall™** - provides agents with real-time access to multiple data sources, including host systems, legacy applications, the Internet, corporate intranets and extranets. LYRICall was the industry's first browser-based application and scripting design tool. Single view, integrated desktop applications enable agents to quickly and seamlessly access the information they need to conduct successful customer interactions.
- **Client Application Programming Interface (API)** – integrates Aspect Unison Predictive Dialer with internal desktop applications. Client API provides a programming interface to a customer-provided Graphical User Interface. Client API is a fully-published interface, supporting rapid application development, data sharing, real-time monitoring and integration with best-of-breed solutions.
- **Agent monitoring and assistance** – monitors agents' activities in real-time and provides assistance when required. Monitoring and assistance capabilities include:



Real-time campaign statistics example.

- On-line help.
- Supervisor to agent messaging.
- Call transfer.
- Agent monitor and coach.
- Supervisor consult.
- Conference.

Reduce Costs

Cost management is key to achieving profitability. Aspect Unison Predictive Dialer provides extensive reporting capabilities and Internet Protocol (IP) Connectivity options to help you minimize your contact center operating costs.

- *Comprehensive reporting* - adjust or eliminate campaign tactics that are not effective and make informed decisions about how to allocate resources to maximize results. Aspect Unison Predictive Dialer standard monitoring and reporting capabilities include real-time statistics monitoring, wide-ranging historical reports and Compose It™ custom reporting capabilities.
- *IP connectivity* – reduce telephony costs by providing Voice over Internet Protocol (VoIP) connectivity over an existing data network to industry-standard Session Initiation Protocol (SIP) phones at local or remote agent stations.

Leverage Existing Investments

An open, robust interface between business applications, customer contact systems and third party Computer Telephony Integration (CTI) and other devices and applications is core to Aspect Unison Predictive Dialer. A scalable architecture enables you to easily evolve and extend the system to suit your needs in a way that embraces both complementary partner technologies and solutions that already exist in your environment.

System Components

- Resource Performance Monitor (RPM) – Supervisor station.
- Application tools.
- Agent Interfaces - LYRICall™ Agent, CLAPI OCX.
- LYRICall Designer.
- Compose It™ – Reporting.
- Digital Communications Processor (DCP) – Telephony platform.
- Server (Sun).

Aspect Software solutions that help Aspect® Unison® Predictive Dialer contact center customers accomplish their missions of maximizing revenues, minimizing costs and ensuring customer satisfaction include:

- Aspect® Enterprise Campaign Manager™ for outbound campaign strategy management and call optimization capabilities.
- Aspect® RightForce® Workforce Management for tracking and reporting, and managing change.
- Aspect® Analyzer™ for measuring team and contact center performance against defined goals.
- Aspect® Campaign Optimizer™ for increasing right party and high value contacts.
- Aspect® CallCenter® ACD for a mission-critical contact center platform.
- Aspect® Spectrum® ACD for a mission-critical contact center platform.

About Aspect Software

Aspect Software, Inc. founded the contact center industry and is now the world's largest company solely focused on Internet Protocol (IP) and traditional voice-based products and services for customer service, collections, and sales and telemarketing business processes. Each day, Aspect Software powers more than 125 million customer-company interactions at thousands of in-house and outsourced contact centers around the globe. Its pioneering Unified IP™ Contact Center product line reduces complexity by uniting automated call distribution (ACD), predictive dialing, voice portal, email management, web chat and collaboration, and recording and quality management to provide consolidated administration, routing, reporting and workflow. PerformanceEdge™, the industry's first fully synchronized contact center optimization suite combines workforce management, recording and quality management, performance management, campaign management, and coaching and eLearning applications. And, the company's trusted Signature product line delivers reliable best of breed ACD, predictive dialing, CTI and Voice Portal capabilities. Headquartered in Chelmsford, Mass., Aspect Software has operations across the Americas, Europe, Africa, the Middle East and Asia Pacific. For more information, visit **www.aspect.com.**

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Contact Center Solutions

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3020US-C 9/07

EXHIBIT 15

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Predictive dialer

From Wikipedia, the free encyclopedia

A **predictive dialer** is a computerized system that automatically dials batches of telephone numbers for connection to agents assigned to sales or other campaigns. Predictive dialers are widely used in call centers.

Contents

- 1 History
- 2 Functioning
- 3 Silent calls
- 4 Types
  - 4.1 Soft dialers
  - 4.2 Hard dialers
  - 4.3 Smart predictive dialers
  - 4.4 Hosted predictive dialers
- 5 See also

History

The autodialer preceded the predictive dialer. While the basic autodialer merely automatically dials telephone numbers for call center agents who are idle or waiting for a call, the predictive dialer uses a variety of algorithms to predict both the availability of agents and called party answers, adjusting the calling process to the number of agents it predicts will be available when the calls it places are expected to be answered.

The predictive dialer monitors the answers to the calls it places, detecting how the calls it makes are answered. It discards unanswered calls, busy numbers, disconnected lines, answers from fax machines, answering machines and similar automated services, and only connects calls answered by people to waiting sales representatives. Thus, it frees agents from the task of manually dialing telephone numbers and subsequently listening to ring tones, unanswered or unsuccessful calls.

A predictive dialer can dramatically increase the time an agent spends on communication rather than waiting; a 2002 survey indicated an increase in talk time from twenty minutes in the hour to almost fifty. The system is most suitable for low quality lists and large numbers of agents; however, an unexpectedly high contact rate can overwhelm the system leading to call abandonment.

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Call list is the data loaded to the dialer before commencing a campaign. The data is generally derived from a large database such as a telephone directory or similar listing from CRM software. Some predictive dialers generate call lists and report call attempts. Unsuccessful calls are often analyzed to determine if the number called needs to be called back later or needs special treatment, such as a manual or autodialed call by an agent to listen to an answer machine message.

Predictive dialer systems are commonly used by telemarketing organizations involved in B2C (business to consumer) calling as it allows their sales representatives to have much more customer contact time. Predictive dialers may also be used by market survey companies and debt collection services who need to contact and personally speak to a lot of people by telephone. More commonly predictive dialers are now being used as a quick and easy way to automate all sorts of calls which would otherwise be made manually by a call center, such as welcome calls for new customers, customer service call backs, appointment confirmations/reminders, or even for the automation of large numbers of ad hoc calls that might need to take place (such as by a taxi company, or parcel delivery service etc).

They generally rely on the fact that if a person were to sit down and manually dial 1000 people, a large percentage of these calls will not result in contact with someone at the other end. Out of 1000 calls made, typically only about 25-35% would actually connect to a live person. Of the rest, a large number (often 40-60%) won't be answered at all, around 10% might be answering machines, faxes, modems or other electronic devices, around 5% of numbers would be busy and the rest will result in network errors, or be identified as invalid numbers. For call centers that need to make large numbers of outbound calls, this represents a large problem. Typically in manual dialing environments, a given agent will spend around 80% of their time listening to the phone ring waiting to talk to someone, or dealing with invalid numbers or answering machines and only about 20% of their time actually doing what they are really there to do. By using a predictive dialer to filter out these unproductive calls and to spare the agent from having to wait for the phone to be answered each time, call centers can reverse the situation. Agents can now spend on average around 80% of their time talking to customers and only about 20% of their time waiting for the next call - a 300% increase in productivity.

Functioning

The predictive dialer exhibits predictive behavior when its dialing algorithm produces more call attempts (dials) than the number of agents currently logged in and available to handle calls. The predictive dialing happens when the predictive dialer *dials ahead* of the agents becoming available or when the predictive dialer *matches* a forecast number of available agents with a forecast number of available called parties. The matching and dialing ahead perspectives provide the large increases in dial rates and agent productivity.

If a system has 100 agents working on it, the dialer will dial a number of calls sometimes crudely based on a phone line to agent ratio of 1.5:1 or 2:1. This means that for each available agent, the system will dial the phone numbers of two potential customers. As these calls are made to the telephone network, the dialer will monitor each call and determine what the outcome of the call was. From 150 calls made, the system will immediately strip out any unproductive outcomes, such as busy calls (these are usually queued for automatic redial), no answers & invalid

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numbers. Some predictive dialers incorporate "answering machine detection", which tries to determine if a live person or answering machine picked up the phone. This is one cause of the typical delays that one may experience before being connected to an agent.

If not enough calls are made ahead, agents will sit idle, whereas if there are too many calls made and there are not enough agents to handle them, then the call is typically *dropped*. A sophisticated system will throttle calls more appropriately to deal with these situations.

The advanced predictive dialer determines and uses many operating characteristics that it learns during the calling campaign and adjusts automatically to the behaviour of an ongoing campaign. Examples of such statistics include call connection rates (both current and average for recent past days by hour of the day), average agent connection time, geographic location dialed, etc. It uses these statistics continually to make sophisticated predictions so as to minimize agent idle time while controlling occurrences of nuisance calls, which are answered calls without the immediate benefit of available agents. An advanced predictive dialer can readily maintain the ratio of nuisance calls to answered calls at less than a fraction of one percent while still dialing ahead. However, this level of performance may require a sufficiently large critical mass of agents. Conversely, it becomes increasingly difficult to maintain a high talk time percentage with a lower number of agents without increasing dropped calls.

Silent calls

Predictive dialing systems use algorithms to control the ratio of calls to agents. Because a dialer cannot know what proportion of its calls will connect until it has made them, it will alter its dialing rate depending on how many connections it manages to achieve. Occasionally, the system will get more live parties on call attempts than there are agents available to take those calls. Consequently, the dialer will disconnect or delay distribution of calls that cannot be distributed to an agent. This is known as a silent call or a nuisance call. The called party hears only silence when the predictive dialer does not at least play a recorded message.

The experience for those who receive a predictive dialer call can be less satisfactory. There may be an appreciable period of silence before a call is routed to a sales representative. This annoys people and also gives them a chance to hang up. If no sales representative is available for a successful call, it is often disconnected. In certain countries, this disconnection is a breach of regulatory codes, and most countries now regulate limits on the number of silent calls that a company makes within a certain time frame. In the UK and the USA, these silent calls have caused concern and outrage amongst the public, and strict regulations now govern how these systems may be used, with threats of large fines for companies that abuse these systems. Currently, in the UK, a maximum of 3% of the calls made may be "dropped," which is why call centers have to be very careful about their procedures.

Types

Predictive dialers perform the same function but the architecture and delivery methods can vary greatly between manufacturers. There are several types of predictive dialing: *Software*, *Hardware*, *Smart*, and *Hosted* dialers.

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In recent years, 'mixed' type predictive dialers have emerged. These predictive dialers are based on simpler hardware, such as voice modems, and more powerful software for answering machine detection and call progress detection. The biggest advantage of this type of predictive dialers is the substantially lower cost of ownership. Another form of predictive dialer has evolved: the so-called 'smart' predictive dialer combining voice broadcasting and attendant phone agents. Hosted predictive dialing is a service provided by third party providers that connects calls via the internet to agents.

Soft dialers

Software-only solutions use ISDN messaging, or a CTI link to provide call progress analysis for calls made. Software-only dialers are often cheaper because they do not require expensive telephony components, but may offer less functionality than more traditional 'hard dialer' solutions, particularly when it comes to detecting answering machines (AMD) and integration with other 'voice' related functions (voice recording, IVR, speech recognition, text-to-speech etc.). Typically, a software dialer is connected to an existing PBX system via the PBX CTI link. In most cases, expensive specialized 'call classification' cards are required in the PBX for call progress analysis and answering machine detection. Open Source dialers have proven themselves in the production world and enable call centers of all sizes to lower costs. Other advantages include customization of the software suites to meet the needs on an individual basis.

Pros:

- Low cost without consideration of sunk costs of a fully-provisioned PBX
- Flexible architecture works well in multi-site and distributed environments

Cons:

- A few older PBXs will not work with a soft dialer configuration
- Higher error rates in classification of calls (Fax, modem, etc. have to be detected by the agent)
- Lower call-processing capacity

Hard dialers

Hardware dialers use dedicated telephony boards to perform call progress analysis and answering machine detection. Those switches usually have two main types of connections: agent audio and external audio. The agent audio connections are usually simple T1/E1/ISDN etc. telephony spans which are connected directly to an existing PBX (although other connection types that do not require a PBX are available such as Analogue or VoIP connections). When an agent first logs in for the day, the dialer will place a call from the switch directly to the phone on the agent's desk. This open phone call between the agent and the dialer switch is then kept open for the duration of the session. The

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second type of connection is the external audio connection which is the connection that will be used to make outbound phone calls. These connections are typically ISDN/T1/E1 connections direct to the PSTN. When an outbound call is made and answered, the call is immediately joined to an already open agent audio connection of the agent selected to take the call.

Pros:

- Fewer telephony connections required (In hard dialers external audio connections can go directly to the PSTN)
- Dialer typically will not need upgrading in line with PBX/CTI etc.; since standard telephony connections are the only link between the PBX and the dialer, the dialer is less affected by software changes/versions
- Superior answering machine and call progress detection capability
- Remote agent capabilities - hard dialers can connect to any phone, anywhere on the PSTN. (Highly suitable for home working or remote sites)
- Independent of special CTI communication and proprietary PBX protocols
- Independent of PBX (Can work with a PBX or without benefit of any PBX or ACD)
- Higher capacity for handling calls (up to about 100,000 calls per hour)
- Faster call switching, as both ends of the call are already in place.

Cons:

- More expensive than a soft dialer when the enterprise already has a PBX with spare capacity for processing calls.
- Increased cost of ownership as expensive to upgrade and maintain.

Smart predictive dialers

Smart predictive dialers combine auto dialing with voice messaging and phone agents who are prepared to handle calls initiated by the dialer. Answering machines, busy signals, and unanswered calls are processed in a manner similar to that of a normal predictive dialing system. However, when a 'live' answer is detected, the dialer plays an introductory recorded message, giving the call recipient the option to talk with an agent to complete the transaction. This message is a consistent greeting that identifies the caller, the nature of the call, and the option to speak with an agent. This process requires a more sophisticated predictive algorithm to ensure that a phone agent is available when the call recipient asks to speak with an agent.

Pros:

- Call lists are pre-qualified without the need for an agent
- Call lists are processed much more quickly and efficiently
- Fewer agents are required to handle far more calls

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- Agents are only speaking with interested callers
- Call list processing is far less expensive

Cons:

- Overall list performance may be less due to call recipient resistance to recorded messages
- Certain U.S. states do not allow recorded messaging (unless prior business relationship has been established). This may limit the use of this technique to only certain types of business or consumer campaigns in certain geographical areas.
- Illegal in the UK unless you have received prior permission from the people you are calling

Hosted predictive dialers

Hosted predictive dialers (aka Virtual Predictive Dialers, Web-Enabled Predictive Dialers, VoIP Predictive Dialers) use the Software as a Service (SaaS) model to provide organizations and individuals with a predictive dialer capability. Typically, the only requirement for a firm to use a hosted predictive dialer system is a computer with an Internet connection and a telephone line for each agent.

Pros:

- No required investments in computer or telephone hardware
- No required investments in software or licenses
- Administration and support are handled by the service provider
- Links into the system are remote, enabling agents and supervisors to connect from any location
- Software updates and upgrades included.

Cons:

- Service is dependent on an internet connection; when the internet goes down, so does the service
- Providers using VoIP as their primary delivery method experience limited reliability and performance
- Often far more limited in capability than an "On Site" product.

See also

- Telemarketing
- Do Not Call Registry
- Dialer
- Computer telephony integration

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- Direct marketing

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Categories: Telemarketing | Telephony

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EXHIBIT 16

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Aspect

Products
Traditional Contact Centers
ACD
Predictive Dialer
Aspect Conversations™ Predictive Dialer
Aspect Unison® Predictive Dialer
IVR
CTI
Internet Contact
Open Source PBX
Unified Command and Control™
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What It Is What It Does Why You Need It Resources

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Migrate to Unified

Aspect Unison Predictive Dialer provides the means for you to meet regulatory, security and customer satisfaction goals, enabling you to customize security configurations to meet your unique requirements and to comply with current and emerging industry regulations.

Aspect Unison Predictive Dialer is an industry-leading solution that helps organizations:

- **Improve agent productivity**
- **Maximize revenue opportunities**
- **Allow flexibility** in managing operating costs
- **Leverage investments** in your existing technology, applications and infrastructure

The more campaigns you are running, the more revenue you can potentially generate. Creating, launching and operating outbound customer contact campaigns has never been easier for your contact center administrators. With the advanced capabilities of Aspect Unison Predictive Dialer, your agents spend more time talking to your customers and prospects and less time focusing on non-revenue-generating activities.

Aspect Unison Predictive Dialer offers:

- **Campaign development tools**
- **Call table filters**
- **Predictive dialing**

Case Study

iSeva

Video

Optimizing Your Campaigns

Brochures

Aspect Unison® Predictive Dialer (US English)

Aspect Unison® Predictive Dialer (UK English)

Call blending

A browser-based agent desktop

Real-time statistics and historical and custom reporting

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EXHIBIT 17

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Serial Number: 74470070 Assignment Information Trademark Document Retrieval

Registration Number: 1942025

Mark (words only): UNISON

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2005-06-09

Filing Date: 1993-12-13

Transformed into a National Application: No

Registration Date: 1995-12-19

Register: Principal

Law Office Assigned: LAW OFFICE 103

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Current Location: 40S -Scanning On Demand

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LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CONCERTO SOFTWARE, INC.

Address:
CONCERTO SOFTWARE, INC.
6 TECHNOLOGY PARK DRIVE
WESTFORD, DE 01886
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active

call management system, namely a computer hardware, a telecommunication switch and associated software for integrating, controlling, monitoring and reporting on the activities of a computerized call center consisting of - telecommunication systems, namely central and private telephone switch(s), inbound call telephone switch, voice response unit and video conference unit; computer hardware, software application programs and customer databases used to support inbound and outbound customer calling for multiple telephone agents
Basis: 1(a)
First Use Date: 1993-11-00
First Use in Commerce Date: 1993-11-00

International Class: 042
Class Status: Active
consulting services related to integrating, controlling and monitoring computerized call centers
Basis: 1(a)
First Use Date: 1993-11-00
First Use in Commerce Date: 1993-11-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-06-12 - Case File In TICRS

2006-08-16 - Assignment Of Ownership Not Updated Automatically

2006-07-19 - Assignment Of Ownership Not Updated Automatically

2006-06-21 - Assignment Of Ownership Not Updated Automatically

2005-06-09 - First renewal 10 year

2005-06-09 - Section 8 (10-year) accepted/ Section 9 granted

2005-06-09 - Assigned To Paralegal

2005-03-24 - Combined Section 8 (10-year)/Section 9 filed

2005-03-24 - PAPER RECEIVED

2001-11-27 - Section 8 (6-year) accepted & Section 15 acknowledged

2001-10-04 - Section 7 correction issued

2001-07-11 - Section 7 amendment filed

2001-07-11 - Response received to Post Registration action - Sections 8 & 15

2001-04-18 - Post Registration action mailed Section 8 & 15

2001-01-12 - Section 8 (6-year) and Section 15 Filed

1995-12-19 - Registered - Principal Register

1995-07-03 - Extension Of Time To Oppose Received

1995-05-30 - Published for opposition

1995-04-28 - Notice of publication

1995-02-01 - Approved for Pub - Principal Register (Initial exam)

1994-12-14 - Communication received from applicant

1994-06-13 - Non-final action mailed

1994-06-07 - Assigned To Examiner

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United States Patent and Trademark Office

Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 7

Serial #: 74470070 **Filing Dt:** 12/13/1993 **Reg #:** 1942025 **Reg. Dt:** 12/19/1995

Registrant: Davox Corporation

Mark: UNISON

Assignment: 1

Reel/Frame: 2573/0192 **Received:** 08/30/2002 **Recorded:** 08/14/2002 **Pages:** 4

Conveyance: CHANGE OF NAME

Assignor: DAVOX CORPORATION
Exec Dt: 05/02/2002
Entity Type: UNKNOWN
Citizenship: NONE

Assignee: CONCERTO SOFTWARE, INC.
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WESTFORD, MASSACHUSETTS 01886
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Citizenship: NONE

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MANCHESTER, NH 03104

Assignment: 2

Reel/Frame: 3165/0740 **Received:** 09/27/2005 **Recorded:** 09/27/2005 **Pages:** 22

Conveyance: RELEASE OF SECURITY INTEREST IN INTELLECTUAL PROPERTY

Assignor: WELLS FARGO FOOTHILL, INC.
Exec Dt: 09/22/2005
Entity Type: CORPORATION
Citizenship: CALIFORNIA

Assignee: CONCERTO SOFTWARE, INC.
6 TECHNOLOGY PARK DRIVE
WESTFORD, MASSACHUSETTS 01886
Entity Type: COMPANY
Citizenship: DELAWARE

Correspondent: KIRKLAND & ELLIS, ATTN: SUSAN ZABLOCKI
555 CALIFORNIA STREET
SAN FRANCISCO, CA 94104

Assignment: 3

Reel/Frame: 3185/0948 **Received:** 11/02/2005 **Recorded:** 11/02/2005 **Pages:** 10

Conveyance: SECURITY AGREEMENT

Assignor: ASPECT SOFTWARE, INC.
Exec Dt: 09/22/2005
Entity Type: CORPORATION
Citizenship: DELAWARE

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Assignment: 4

Reel/Frame: 3193/0743 **Received:** 11/14/2005 **Recorded:** 11/14/2005 **Pages:** 11

Conveyance: SECURITY AGREEMENT

Assignor: ASPECT SOFTWARE, INC.
Exec Dt: 09/22/2005
Entity Type: CORPORATION
Citizenship: DELAWARE

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Assignment: 5

Reel/Frame: 3333/0706 **Received:** 06/19/2006 **Recorded:** 06/19/2006 **Pages:** 8

Conveyance: CHANGE OF NAME

Assignor: CONCERTO SOFTWARE, INC.
Exec Dt: 09/22/2005
Entity Type: CORPORATION
Citizenship: DELAWARE

Assignee: ASPECT SOFTWARE, INC.
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Entity Type: CORPORATION
Citizenship: DELAWARE

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NEW YORK, NY 10022

Assignment: 6

Reel/Frame: 3347/0443 **Received:** 07/13/2006 **Recorded:** 07/13/2006 **Pages:** 10

Conveyance: RELEASE OF SECURITY INTEREST IN TRADEMARKS

Assignor: D.B. ZWIRN FINANCE, LLC
Exec Dt: 07/11/2006
Entity Type: LIMITED LIABILITY COMPANY
Citizenship: NONE

Assignees: CONCERTO SOFTWARE INTERMEDIATE HOLDINGS, INC.
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Citizenship: DELAWARE

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Entity Type: CORPORATION
Citizenship: NONE

ASPECT COMMUNICATIONS CORPORATION
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Entity Type: CORPORATION
Citizenship: CALIFORNIA

FIRSTPOINT CONTACT CORPORATION (N/K/A ASPECT SOFTWARE, INC.)
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Entity Type: CORPORATION
Citizenship: NONE

FIRSTPOINT CONTACT TECHNOLOGIES, LLC
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Entity Type: LIMITED LIABILITY COMPANY
Citizenship: DELAWARE

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Assignment: 7

Reel/Frame: 3368/0054 **Received:** 08/14/2006 **Recorded:** 08/14/2006 **Pages:** 10

Conveyance: SECURITY AGREEMENT

Assignors: ASPECT SOFTWARE, INC.
Exec Dt: 07/11/2006
Entity Type: CORPORATION
DELAWARE

ASPECT COMMUNICATIONS CORPORATION

Citizenship:
Exec Dt: 07/11/2006
Entity Type: CORPORATION
Citizenship: CALIFORNIA

Assignee: DEUTSCHE BANK TRUST COMPANY AMERICAS, AS SECOND LIEN ADMINISTRATIVE AGENT
90 HUDSON STREET
JERSEY CITY, NEW JERSEY 07302
Entity Type: BANK
Citizenship: NONE

Correspondent: CBC COMPANIES DBA FEDERAL RESEARCH
1023 FIFTEENTH STREET, NW, STE 401
ATTN: OLEH HERELIUK
WASHINGTON, DC 20005

Search Results as of: 08/06/2008 06:09 PM
If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1
Web interface last modified: April 20, 2007 v.2.0.1

EXHIBIT 18

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 18:10:19 ET

Serial Number: 78283473 Assignment Information Trademark Document Retrieval

Registration Number: 2881664

Mark (words only): UNISON

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-09-07

Filing Date: 2003-08-05

Transformed into a National Application: No

Registration Date: 2004-09-07

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-09-16

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Unison LLC

Address:
Unison LLC
171 Main Street
Nyack, NY 10960
United States
Legal Entity Type: Ltd Liab Co
State or Country Where Organized: New York

GOODS AND/OR SERVICES

International Class: 038
Class Status: Active

interactive multimedia conferencing services
Basis: 1(a)
First Use Date: 2000-10-31
First Use in Commerce Date: 2000-10-31

International Class: 042
Class Status: Active
data collection, data management and data analysis services
Basis: 1(a)
First Use Date: 2000-10-31
First Use in Commerce Date: 2000-10-31

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2004-09-07 - Registered - Principal Register

2004-06-15 - Published for opposition

2004-05-26 - Notice of publication

2004-04-02 - Approved for Pub - Principal Register (Initial exam)

2004-03-15 - Communication received from applicant

2004-03-15 - TEAS Response to Office Action Received

2004-02-17 - Non-final action e-mailed

2004-02-14 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Wendy E. Miller

Correspondent
WENDY E. MILLER

COOPER & DUNHAM LLP
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036
Phone Number: 212-278-0400
Fax Number: 212-391-0525

EXHIBIT 19

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 18:10:29 ET

Serial Number: 74254177 Assignment Information Trademark Document Retrieval

Registration Number: 1729099

Mark (words only): UNISON

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2003-02-21

Filing Date: 1992-03-10

Transformed into a National Application: No

Registration Date: 1992-11-03

Register: Principal

Law Office Assigned: LAW OFFICE 4

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-03-25

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Unison Information Systems, Ltd.

Address:
Unison Information Systems, Ltd.
21 Walsh Way
Framingham, MA 01701
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Massachusetts

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active

computer peripherals; namely, storage subsystems for computers
Basis: 1(a)
First Use Date: 1987-11-13
First Use in Commerce Date: 1987-11-13

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-25 - Case File In TICRS

2003-02-21 - First renewal 10 year

2003-02-21 - Section 8 (10-year) accepted/ Section 9 granted

2002-11-04 - Combined Section 8 (10-year)/Section 9 filed

2002-11-04 - PAPER RECEIVED

1998-02-14 - Section 8 (6-year) accepted & Section 15 acknowledged

1997-12-31 - Section 8 (6-year) and Section 15 Filed

1992-11-03 - Registered - Principal Register

1992-08-11 - Published for opposition

1992-07-10 - Notice of publication

1992-05-15 - Approved for Pub - Principal Register (Initial exam)

1992-05-14 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Theodore A. Breiner

Correspondent

THEODORE A. BREINER
BREINER & BREINER, L.L.C.
115 NORTH HENRY STREET
ALEXANDRIA, VA 22314

EXHIBIT 20

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 18:10:43 ET

Serial Number: 75497366 Assignment Information Trademark Document Retrieval

Registration Number: 2513675

Mark (words only): UNISON

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2007-04-17

Filing Date: 1998-06-04

Transformed into a National Application: No

Registration Date: 2001-12-04

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2007-04-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. ELECTRONIC THEATRE CONTROLS, INC.

Address:
ELECTRONIC THEATRE CONTROLS, INC.
3031 PLEASANT VIEW RD.
MIDDLETON, WI 53562
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Wisconsin

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active

ELECTRIC LIGHT DIMMING SYSTEMS COMPRISING DIMMERS, DIMMER RACKS, DIMMER CONTROLS, AND COMPUTER SOFTWARE FOR OPERATING ELECTRIC LIGHT DIMMING SYSTEMS
Basis: 1(a)
First Use Date: 1995-11-00
First Use in Commerce Date: 1995-11-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-04-17 - Section 8 (6-year) accepted & Section 15 acknowledged

2007-04-12 - Assigned To Paralegal

2007-03-17 - Section 8 (6-year) and Section 15 Filed

2007-03-17 - TEAS Section 8 & 15 Received

2007-01-04 - Case File In TICRS

2002-12-27 - TEAS Change Of Correspondence Received

2001-12-04 - Registered - Principal Register

2001-09-11 - Published for opposition

2001-08-22 - Notice of publication

2001-05-25 - Approved for Pub - Principal Register (Initial exam)

2000-06-22 - Assigned To Examiner

1999-12-20 - Unresponsive/Duplicate Paper Received

1999-08-18 - Letter of suspension mailed

1999-07-26 - Communication received from applicant

1999-02-03 - Non-final action mailed

1999-01-20 - Assigned To Examiner

1999-01-11 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
PHILLIP N KOLEHMAINEN

Correspondent
PHILIP M KOLEHMAINEN
GREER BURNS & CRAIN LTD
300 S WACKER DR
SUITE 2500
CHICAGO, IL 60606-6501
Phone Number: 312 360 0080
Fax Number: 312 360 9315

EXHIBIT 21

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 18:10:57 ET

Serial Number: 78370846 Assignment Information Trademark Document Retrieval

Registration Number: 3188653

Mark

UNISON

(words only): UNISON

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-12-26

Filing Date: 2004-02-19

Transformed into a National Application: No

Registration Date: 2006-12-26

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-12-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Panic Inc

Address:
Panic Inc
425 NW 10th Ave Ste 301

Portland, OR 97209
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Oregon
Phone Number: 503-296-2185
Fax Number: 503-296-2185

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Personal computer software used for reading, previewing, managing, and downloading the messages and content available via Usenet groups on a global computer network and not for use with customer contact centers
Basis: 1(a)
First Use Date: 2004-01-28
First Use in Commerce Date: 2004-01-28

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-12-26 - Registered - Principal Register

2006-11-03 - Opposition terminated for Proceeding

2006-11-03 - Opposition dismissed for Proceeding

2005-04-26 - Opposition instituted for Proceeding

2005-01-19 - Extension Of Time To Oppose Received

2004-12-21 - Published for opposition

2004-12-01 - Notice of publication

2004-10-15 - Law Office Publication Review Completed

2004-10-12 - Assigned To LIE

2004-10-12 - Assigned To LIE

2004-09-13 - Approved for Pub - Principal Register (Initial exam)

2004-09-09 - Assigned To Examiner

2004-03-04 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent
Panic Inc.
425 NW 10th Avenue, Suite 301
Portland, OR 97209
Phone Number: 503-296-2185
Fax Number: 503-296-2185

EXHIBIT 22

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 18:11:11 ET

Serial Number: 78408308 Assignment Information Trademark Document Retrieval

Registration Number: 3127678

Mark

UNISONE

(words only): UNISONE

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-08-08

Filing Date: 2004-04-26

Transformed into a National Application: No

Registration Date: 2006-08-08

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-06-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Unisone Corporation

Address:
Unisone Corporation
2 Read's Way, Suite 200

New Castle, DE 19720
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware
Phone Number: 302-322-7101
Fax Number: 302-322-7102

GOODS AND/OR SERVICES

International Class: 042
Class Status: Active
COMPUTER SERVICES, NAMELY, DEVELOPMENT OF SPECIALIZED SOFTWARE FOR OTHERS FOR APPLICATION AND DATABASE INTEGRATION, NOT INCLUDING FOR COMPUTER TELECOMMUNICATION CALL CENTERS
Basis: 1(a)
First Use Date: 2004-06-01
First Use in Commerce Date: 2004-06-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-08-08 - Registered - Principal Register

2006-06-22 - Law Office Registration Review Completed

2006-06-16 - Assigned To LIE

2006-06-13 - Allowed for Registration - Principal Register (SOU accepted)

2006-05-18 - Statement of use processing complete

2006-05-05 - Amendment to Use filed

2006-05-05 - TEAS Statement of Use Received

2006-04-17 - Assigned To Examiner

2006-02-23 - TEAS Change Of Correspondence Received

2005-02-16 - Assigned To Examiner

2006-02-15 - Assigned To Examiner

2006-01-10 - Notice of allowance - mailed

2005-10-18 - Published for opposition

2005-09-28 - Notice of publication

2005-07-11 - Law Office Publication Review Completed

2005-07-08 - Assigned To LIE

2005-07-05 - Approved for Pub - Principal Register (Initial exam)

2005-07-05 - EXAMINERS AMENDMENT E-MAILED

2005-07-05 - Examiners Amendment -Written

2005-06-14 - Amendment From Applicant Entered

2005-06-02 - Communication received from applicant

2005-06-02 - FAX RECEIVED

2004-12-02 - Non-final action e-mailed

2004-12-02 - Non-Final Action Written

2004-11-19 - Assigned To Examiner

2004-05-03 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent
Christopher J. Day
Law Office of Christopher Day
301 East Bethany Home Road, Suite A-213
Phoenix AZ 85012
Phone Number: 602-258-4440
Fax Number: 602-258-4441

EXHIBIT 23

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 18:11:29 ET

Serial Number: 78360086 Assignment Information Trademark Document Retrieval

Registration Number: 2962367

Mark

UNISON ACCEL

(words only): UNISON ACCEL

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2005-06-14

Filing Date: 2004-01-30

Transformed into a National Application: No

Registration Date: 2005-06-14

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-06-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. LGC Wireless, Inc.

Address:
LGC Wireless, Inc.
2540 Junction Avenue

San Jose, CA 95134
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware
Phone Number: 408-952-2484

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Telecommunication equipments, namely radio frequency hubs, optical hubs, multiplexers, and termination equipment for telecommunication networks; computer hardware and software for monitoring and optimizing radio, cellular, mobile, wireless or cordless telecommunication networks, network statistical analysis, frequency allocation, traffic control and network parameter management
Basis: 1(a)
First Use Date: 2002-09-03
First Use in Commerce Date: 2002-12-27

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

USPTO Reference Number: Z1231070
International Registration Number: 0832128
International Registration Date: 2004-06-22
Original Filing Date with USPTO: 2004-06-22
International Registration Status: Application For IR Registered By IB
Date of International Registration Status: 2004-10-07
International Registration Renewal Date: 2014-06-22
Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:
05-02-2006 - 08:09:36 - Ceasing Of Effect Manually Processed
10-07-2004 - 14:56:14 - Application For IR Registered By IB
06-29-2004 - 08:45:32 - Manually Certified
06-28-2004 - 09:32:11 - New Application For IR Received

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-08-05 - Attorney Revoked And/Or Appointed

2008-08-05 - TEAS Revoke/Appoint Attorney Received

2006-06-14 - TEAS Change Of Correspondence Received

2005-06-14 - Registered - Principal Register

2005-03-22 - Published for opposition

2005-03-02 - Notice of publication

2004-09-28 - TEAS Change Of Correspondence Received

2004-09-27 - Law Office Publication Review Completed

2004-09-22 - Assigned To LIE

2004-09-08 - Approved for Pub - Principal Register (Initial exam)

2004-08-23 - Assigned To Examiner

2004-02-10 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Scott W. Johnston

Correspondent
Scott W. Johnston
Merchant & Gould P.C.
P.O. Box 2910
Minneapolis MN 55402-0910
Phone Number: 612/332-5300
Fax Number: 612/332-9081

EXHIBIT 24

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 18:11:52 ET

Serial Number: 75034492 Assignment Information Trademark Document Retrieval

Registration Number: 2076990

Mark

(words only): UN UNISON RESEARCH

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2007-08-15

Filing Date: 1995-12-19

Transformed into a National Application: No

Registration Date: 1997-07-08

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2007-08-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. A.R.I.A. ADVANCED RESEARCH IN AUDIO SRL

Address:
A.R.I.A. ADVANCED RESEARCH IN AUDIO SRL
Via Barone, 4

Dosson Di Casier (TV) 31030
Italy
Legal Entity Type: Corporation
State or Country of Incorporation: Italy

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
electroacoustic apparatus, namely, radio receivers; audio amplifiers; optical disk readers for CD; electronic apparatus, namely, audio mixers; electronic computers; audio cables; and electronic devices, namely, electronic valves
Basis: 1(a), 44(d)
First Use Date: 1988-02-01
First Use in Commerce Date: 1993-01-08

ADDITIONAL INFORMATION

Description of Mark: The mark consists, in part, of the stylized letters "U" and "N".

Foreign Application Number: VI95C000234
Country: Italy
Foreign Filing Date: 1995-07-27

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-08-15 - First renewal 10 year

2007-08-15 - Section 8 (10-year) accepted/ Section 9 granted

2007-07-31 - Assigned To Paralegal

2007-07-05 - Combined Section 8 (10-year)/Section 9 filed

2007-07-05 - TEAS Section 8 & 9 Received

2007-06-17 - Applicant/Correspondence Changes (Non-Responsive) Entered

2007-06-17 - TEAS Change Of Owner Address Received

2005-07-06 - Section 8 (6-year) accepted & Section 15 acknowledged

2005-06-25 - REINSTATED

2004-09-08 - Canceled Section 8 (6-year)

2003-10-31 - Section 8 (6-year) and Section 15 Filed

2003-09-24 - Post Registration action mailed Section 8 & 15

2003-07-07 - Section 8 (6-year) and Section 15 Filed

2003-07-07 - PAPER RECEIVED

1997-07-08 - Registered - Principal Register

1997-04-15 - Published for opposition

1997-03-14 - Notice of publication

1997-02-04 - Approved for Pub - Principal Register (Initial exam)

1997-01-02 - Communication received from applicant

1996-07-01 - Non-final action mailed

1996-06-21 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Robert J. Kenney

Correspondent
Robert J. Kenney
Birch Stewart Kolasch & Birch LLP
P.O. Box 747
Falls Church VA 22040-0747

Domestic Representative
Birch Stewart Kolasch & Birch LLP

EXHIBIT 25

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 18:13:17 ET

Serial Number: 78455369 Assignment Information Trademark Document Retrieval

Registration Number: 3156164

Mark

(words only): UNISON GOOD CLEAN DESIGN.

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-10-17

Filing Date: 2004-07-23

Transformed into a National Application: No

Registration Date: 2006-10-17

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-10-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Unison Partners, LLC

Composed Of:
Robert F. Fardi, U.S. Citizen Raul Julius Talvik, Permanent Resident of the U.S.
Address:

Unison Partners, LLC
1010 Wisconsin Avenue Suite 405
Washington, DC 20007
United States
Legal Entity Type: Ltd Liab Co
State or Country Where Organized: Virginia
Phone Number: (202) 337-7887
Fax Number: (202) 466-6235

GOODS AND/OR SERVICES

International Class: 035
Class Status: Active
Advertising and marketing, public relations, advertising services, namely, creating corporate and brand identity for others
Basis: 1(a)
First Use Date: 2003-06-04
First Use in Commerce Date: 2003-06-04

International Class: 042
Class Status: Active
Graphic art design, design of homepages and web sites, hosting web sites of others on a computer server for a global computer network, creation and maintenance of web sites for others, copyright management
Basis: 1(a)
First Use Date: 2003-06-04
First Use in Commerce Date: 2003-06-04

ADDITIONAL INFORMATION

Color(s) Claimed: The color blue is claimed as a feature of the mark.

Description of Mark and Any Color Part(s): The color blue appears in the wording in the mark.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-10-17 - Registered - Principal Register

2006-07-25 - Published for opposition

2006-07-05 - Notice of publication

2006-06-07 - Law Office Publication Review Completed

2006-06-02 - Assigned To LIE

2006-05-24 - Approved for Pub - Principal Register (Initial exam)

2006-05-24 - Examiner's Amendment Entered

2006-05-24 - EXAMINERS AMENDMENT E-MAILED

2006-05-24 - Examiners Amendment -Written

2006-05-23 - Assigned To Examiner

2006-04-16 - NON-FINAL ACTION E-MAILED

2006-04-16 - Non-Final Action Written

2006-03-16 - Amendment From Applicant Entered

2006-03-07 - Communication received from applicant

2006-03-07 - PAPER RECEIVED

2006-01-17 - Final refusal e-mailed

2006-01-17 - Final Refusal Written

2005-12-20 - Amendment From Applicant Entered

2005-12-02 - Communication received from applicant

2005-12-02 - PAPER RECEIVED

2005-11-17 - NON-FINAL ACTION E-MAILED

2005-11-17 - Non-Final Action Written

2005-10-27 - Amendment From Applicant Entered

2005-10-18 - Communication received from applicant

2005-10-18 - PAPER RECEIVED

2005-10-12 - Teas/Email Correspondence Entered

2005-10-11 - Communication received from applicant

2005-10-11 - TEAS Change Of Correspondence Received

2005-10-11 - TEAS Response to Office Action Received

2005-10-11 - Petition To Revive-Granted

2005-10-11 - TEAS Petition To Revive Received

2005-10-03 - Abandonment Notice Mailed - Failure To Respond

2005-10-03 - Abandonment - Failure To Respond Or Late Response

2005-03-02 - Non-final action e-mailed

2005-03-02 - Non-Final Action Written

2005-02-28 - Assigned To Examiner

2004-08-02 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Hoyda A. Gaffney

Correspondent
HOYDA A. GAFFNEY
1718 RALEIGH HILL ROAD
VIENNA VA 22182
Phone Number: (703) 395-1565
Fax Number: (703) 758-0755

EXHIBIT 26

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 18:13:33 ET

Serial Number: 78283504 Assignment Information Trademark Document Retrieval

Registration Number: 2906486

Mark (words only): UNISON THE COLLABORATIVE MEETING EXPERIENCE

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-11-30

Filing Date: 2003-08-05

Transformed into a National Application: No

Registration Date: 2004-11-30

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2004-11-30

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Unison LLC

Address:
Unison LLC
171 Main Street
Nyack, NY 10960
United States
Legal Entity Type: Ltd Liab Co
State or Country Where Organized: New York

GOODS AND/OR SERVICES

International Class: 038
Class Status: Active

interactive multimedia conferencing services
Basis: 1(a)
First Use Date: 2002-06-30
First Use in Commerce Date: 2002-06-30

International Class: 042
Class Status: Active
data collection, data management and data analysis services
Basis: 1(a)
First Use Date: 2002-06-30
First Use in Commerce Date: 2002-06-30

ADDITIONAL INFORMATION

Disclaimer: MEETING

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2004-11-30 - Registered - Principal Register

2004-09-07 - Published for opposition

2004-08-18 - Notice of publication

2004-06-20 - Approved for Pub - Principal Register (Initial exam)

2004-03-15 - Communication received from applicant

2004-03-15 - Communication received from applicant

2004-03-15 - TEAS Response to Office Action Received

2004-02-17 - Non-final action e-mailed

2004-02-14 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Wendy E. Miller

Correspondent
WENDY E. MILLER
COOPER & DUNHAM LLP
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036
Phone Number: 212-278-0400
Fax Number: 212-391-0525

EXHIBIT 27

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 18:13:45 ET

Serial Number: 78679830 Assignment Information Trademark Document Retrieval

Registration Number: 3112097

Mark

INTERREACH UNISON

(words only): INTERREACH UNISON

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-07-04

Filing Date: 2005-07-27

Transformed into a National Application: No

Registration Date: 2006-07-04

Register: Principal

Law Office Assigned: LAW OFFICE 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-07-04

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. LGC Wireless, Inc.

Address:
LGC Wireless, Inc.
2540 Junction Avenue

San Jose, CA 95134
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Telecommunication equipments, namely radio frequency hubs, optical hubs, multiplexers, and termination equipment for telecommunication networks; computer hardware and software for monitoring and optimizing radio, cellular, mobile, wireless or cordless telecommunication networks, network statistical analysis, frequency allocation, traffic control and network parameter management
Basis: 1(a)
First Use Date: 2001-02-20
First Use in Commerce Date: 2001-02-20

ADDITIONAL INFORMATION

Prior Registration Number(s):
2934663
2962367

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-08-05 - Attorney Revoked And/Or Appointed

2008-08-05 - TEAS Revoke/Appoint Attorney Received

2006-07-04 - Registered - Principal Register

2006-06-09 - TEAS Change Of Correspondence Received

2006-04-11 - Published for opposition

2006-03-22 - Notice of publication

2006-02-22 - Law Office Publication Review Completed

2006-02-17 - Assigned To LIE

2006-02-15 - Approved for Pub - Principal Register (Initial exam)

2006-02-14 - Assigned To Examiner

2005-08-03 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Scott W. Johnston

Correspondent
Scott W. Johnston
Merchant & Gould P.C.
P.O. Box 2910
Minneapolis MN 55402-0910
Phone Number: 612/332-5300
Fax Number: 612/332-9081

EXHIBIT 28

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 18:13:59 ET

Serial Number: 77053214 Assignment Information Trademark Document Retrieval

Registration Number: 3384030

Mark

DATAUNISON

(words only): DATAUNISON

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2008-02-19

Filing Date: 2006-11-29

Transformed into a National Application: No

Registration Date: 2008-02-19

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-02-19

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Advanced Economic Research Services Inc.

Address:
Advanced Economic Research Services Inc.
Unit 2307 4464 Markham Street

Victoria V8Z7X6
Canada
Legal Entity Type: Corporation
State or Country of Incorporation: Canada

GOODS AND/OR SERVICES

International Class: 035
Class Status: Active
market reports and studies, namely, providing market data and research reports for others in the field of the on-line auctioning, trading and selling of items via a global computer network; providing a web site featuring market data for others in the field of the on-line auctioning, trading and selling of items via a global computer network; market data analysis for others in the field of the on-line auctioning, trading and selling of items via a global computer network
Basis: 1(a)
First Use Date: 2005-00-00
First Use in Commerce Date: 2005-00-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-02-19 - Registered - Principal Register

2007-12-04 - Published for opposition

2007-11-14 - Notice of publication

2007-10-27 - Law Office Publication Review Completed

2007-10-27 - Assigned To LIE

2007-09-26 - Approved for Pub - Principal Register (Initial exam)

2007-09-25 - Examiner's Amendment Entered

2007-09-25 - Notification Of Examiners Amendment E-Mailed

2007-09-25 - EXAMINERS AMENDMENT E-MAILED

2007-09-25 - Examiners Amendment -Written

2007-09-08 - Teas/Email Correspondence Entered

2007-09-06 - Communication received from applicant

2007-09-06 - TEAS Response to Office Action Received

2007-03-27 - Non-final action e-mailed

2007-03-27 - Non-Final Action Written

2007-03-26 - Assigned To Examiner

2006-12-05 - Notice Of Pseudo Mark Mailed

2006-12-04 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Gordon Thomson

Correspondent
Gordon Thomson; J. Gordon Thomson, Law C
PO BOX 8865
VICTORIA
V8W3Z1
CANADA

EXHIBIT 29

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 18:14:16 ET

Serial Number: 76374554 Assignment Information Trademark Document Retrieval

Registration Number: 3346531

Mark (words only): INUNISON

Standard Character claim: No

Current Status: Registered.

Date of Status: 2007-12-04

Filing Date: 2002-02-21

Transformed into a National Application: No

Registration Date: 2007-12-04

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-12-04

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. InUnison Integrated Systems Ltd.

Address:
InUnison Integrated Systems Ltd.
24600 Center Ridge Road Suite 470
Westlake, OH 44145
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Ohio

GOODS AND/OR SERVICES

International Class: 042
Class Status: Active

Computer services, namely, designing and implementing web sites for others
Basis: 1(a)
First Use Date: 2000-09-00
First Use in Commerce Date: 2000-09-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-12-04 - Registered - Principal Register

2007-09-18 - Published for opposition

2007-08-29 - Notice of publication

2007-08-14 - Law Office Publication Review Completed

2007-08-12 - Approved for Pub - Principal Register (Initial exam)

2007-07-18 - Teas/Email Correspondence Entered

2007-07-18 - Communication received from applicant

2007-07-17 - TEAS Response to Office Action Received

2007-06-08 - Assigned To Examiner

2007-01-19 - Letter of suspension mailed

2007-01-18 - Suspension Letter Written

2007-01-18 - Previous action count withdrawn

2007-01-18 - Report Completed Suspension Check Case Still Suspended

2007-01-15 - Attorney Review Completed

2007-01-12 - Amendment From Applicant Entered

2007-01-12 - Communication received from applicant

2007-01-12 - Assigned To LIE

2006-12-11 - PAPER RECEIVED

2006-12-11 - Letter of suspension mailed

2006-12-08 - Suspension Letter Written

2006-11-01 - Amendment From Applicant Entered

2006-09-29 - Communication received from applicant

2006-09-29 - PAPER RECEIVED

2006-03-27 - Non-final action mailed

2006-03-26 - Non-Final Action Written

2005-09-20 - Report Completed Suspension Check Case Still Suspended

2005-03-17 - Report Completed Suspension Check Case Still Suspended

2004-09-16 - Report Completed Suspension Check Case Still Suspended

2003-08-31 - Case File In TICRS

2003-02-06 - Letter of suspension mailed

2002-12-18 - Communication received from applicant

2002-12-18 - PAPER RECEIVED

2002-06-17 - Non-final action mailed

2002-06-14 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Patrick R. Roche

Correspondent
PATRICK R ROCHE
FAY, SHARPE, FAGAN, MINNICH, ET AL
1100 SUPERIOR AVE SEVENTH FL
CLEVELAND, OH 44114-2518
Phone Number: (216) 861-5582
Fax Number: 216 241-1666

EXHIBIT 30

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 18:14:33 ET

Serial Number: 77343317 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

UNISON

(words only): UNISON

Standard Character claim: Yes

Current Status: An office action suspending further action on the application has been mailed.

Date of Status: 2008-03-17

Filing Date: 2007-12-04

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 103

Attorney Assigned:
IN SUNG HYUN

Current Location: L3X -TMEG Law Office 103 - Examining Attorney Assigned

Date In Location: 2008-03-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Rapid Intake, Inc.

Address:
Rapid Intake, Inc.
441 West Main St., Suite B
Lehi, UT 84043
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Washington
Phone Number: 801.407.1284
Fax Number: 360.838.0828

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Computer software for authoring e-learning courseware
Basis: 1(a)
First Use Date: 2007-12-06
First Use in Commerce Date: 2008-02-04

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-17 - Notification Of Letter Of Suspension E-Mailed

2008-03-17 - Letter of suspension e-mailed

2008-03-17 - Suspension Letter Written

2008-03-17 - Amendment to Use approved

2008-03-14 - Assigned To Examiner

2008-02-29 - Amendment to use processing complete

2008-02-29 - Amendment to Use filed

2008-02-28 - TEAS Amendment of Use Received

2007-12-07 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
John Ogilvie

Correspondent
John Ogilvie
OGILVIE LAW FIRM
1320 LAIRD AVE
SALT LAKE CITY UT 84105-1935
Phone Number: 801-706-2546
Fax Number: 801-583-0393

EXHIBIT 31

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 18:14:49 ET

Serial Number: 77343292 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

RAPID INTAKE UNISON

(words only): RAPID INTAKE UNISON

Standard Character claim: Yes

Current Status: An office action suspending further action on the application has been mailed.

Date of Status: 2008-03-17

Filing Date: 2007-12-04

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 103

Attorney Assigned:
IN SUNG HYUN

Current Location: L3X -TMEG Law Office 103 - Examining Attorney Assigned

Date In Location: 2008-03-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Rapid Intake, Inc.

Address:
Rapid Intake, Inc.
441 West Main St., Suite B
Lehi, UT 84043
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Washington
Phone Number: 801.407.1284
Fax Number: 360.838.0828

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Computer software to enhance the audio-visual capabilities of multimedia applications, namely, for the integration of text, audio, graphics, still images and moving pictures
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Prior Registration Number(s):
3270983

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-17 - Notification Of Letter Of Suspension E-Mailed

2008-03-17 - Letter of suspension e-mailed

2008-03-17 - Suspension Letter Written

2008-03-14 - Assigned To Examiner

2007-12-07 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
John Ogilvie

Correspondent
JOHN OGILVIE
OGILVIE LAW FIRM
1320 LAIRD AVE
SALT LAKE CITY, UT 84105-1935
Phone Number: 801-706-2546
Fax Number: 801-583-0393

EXHIBIT 32

UNISON

Home | Products | About Us | Software | New Items

The foundation of our machines is our Unison UPC computer control (CNC) which performs program calculations and controls the machine's motion. Our state-of-the-art software is designed with a unique approach to grinding. The software utilizes a fill-in-the-blank approach to easily define the dimensional data required for programming cutting tools.

New Unison's proprietary Geometral software allows operators to quckly customize and/or modify tool geometry which is displayed in 3D . The software is also simple to use and eliminates the need for your operator to understand traditional NC programming languages. Data can be easily saved and recalled. Our proven modular programming system utilizes the latest technology available to offer to our customers superior control of all machine functions.

FEATURES OF NEW UNISON SOFTWARE

On-Board Real Time 3-D Simulator	**Flute and Point Drills**
Easy Set-up for Wheel Diameter and Wheel Pivot Error	**Step Drills/Subland Drills Spot Drill/G Drills**
Custom Tools are Easy to Program	**Spade Drill Program**
Full Sectioning Capacity	**Saw/Milling Cutters**
Endmill Software Package*	**Step Tool Software**
Standard Industrial Burr Shapes	**Compression Routers**
Staggered Flute Indexing in Industrial Burr Software	**Router Tool Programs**

Case 1:08-cv-07056-SAS Document 1-3 Filed 08/07/2008 Page 47 of 77

Surgical Burr Package	**Left Hand Helix and Spiral Chip Break Option Included**
Cylindrical Burrs with Fish Tail, Drill Point, End Mill and Burr Type Ends	**We Offer Non-Ferrous Bur Shapes (Aluma Cuts)**
Annular Cutters	**Roughing Cutters**

*The Endmill Software Package includes standard endmills, ballnose endmills, corner radius endmills, taper endmills, taper ballnose endmills and taper corner radius endmills.

Click here to see a Drill Demonstration

Click here to see an End Mill Demonstration

New Unison Corporation 1601 Wanda Avenue Ferndale, MI 48220 Phone: 248-544-9500 Fax: 248-544-7646
Web site: www.newunison.com Email: sales@newunison.com

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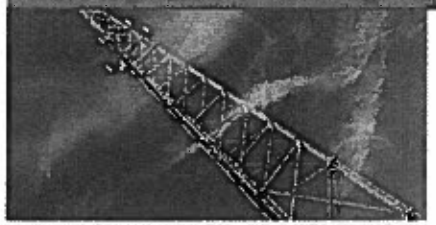
EXHIBIT 33

"Converting Wireless Leases into Lasting Value."



Did You Know?

You can make more money with Unison's transaction than you ever could by saving your monthly rent check.

With a properly structured conversion you can purchase real estate, putting 100% tax deferral together with the powerful investment-return leverage of borrowed money. It's a home run.
Learn More

Click Here ›

Make the Most of Your Cell Site

Secure your assets. Lower your taxes. Fund your dreams. **Take control with Unison.**

Unison Site Management develops financial products that help cellular site owners like you take advantage of opportunities in the wireless marketplace. Unison has the most experienced team in the industry, working hard to bring you creative solutions. Many cell site owners count on Unison to help them capitalize on their unsecured rental income.

With wireless sites in danger of rent reduction or outright decommissioning, selling your lease reduces your financial risk and your tax rate. More importantly, **you'll receive a huge lump sum cash payment for your cell site lease**, something that no tower company or wireless service can ever take away. If you invest your lump sum wisely you could make far more money than you ever could by holding your lease.

Explore our site to learn why it's a great idea to convert your cell site lease, and why Unison offers the best

Free Consultation

Want to Learn More?

Contact Unison for a FREE Consultation Click Here ›

OR CALL

☎ 866.599.SITE

(Mon. - Fri. 9 AM – 5 PM EST)

The Unison Advantage

An Opportunity To:

- **Pay down your mortgage**
- **Pay off your credit cards**
- **Reinvest in real estate**
- **Reinvest in the equities market**

Click Here ›

Case 1:08-cv-07056-SAS Document 1-3 Filed 08/07/2008 Page 50 of 77

conversion options in the industry.

 © 2006 Unison Site Management - 330 Madison Avenue, 15th Floor New York, NY 10017 - 866 599 SITE

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EXHIBIT 34

Unison

File Synchronizer

Overview

Overview
Mailing lists
Downloads

User manual
Research papers
Change log

(Non-) development status
FAQ wiki

Unison is a file-synchronization tool for Unix and Windows. It allows two replicas of a collection of files and directories to be stored on different hosts (or different disks on the same host), modified separately, and then brought up to date by propagating the changes in each replica to the other.

Unison shares a number of features with tools such as configuration management packages (CVS, PRCS, Subversion, BitKeeper, etc.), distributed filesystems (Coda, etc.), uni-directional mirroring utilities (rsync, etc.), and other synchronizers (Intellisync, Reconcile, etc). However, there are several points where it differs:

- Unison runs on both Windows and many flavors of Unix (Solaris, Linux, OS X, etc.) systems. Moreover, Unison works *across* platforms, allowing you to synchronize a Windows laptop with a Unix server, for example.
- Unlike simple mirroring or backup utilities, Unison can deal with updates to *both* replicas of a distributed directory structure. Updates that do not conflict are propagated automatically. Conflicting updates are detected and displayed.
- Unlike a distributed filesystem, Unison is a user-level program: there is no need to modify the kernel or to have superuser privileges on either host.
- Unison works between any pair of machines connected to the internet, communicating over either a direct socket link or tunneling over an encrypted ssh connection. It is careful with network bandwidth, and runs well over slow links such as PPP connections. Transfers of small updates to large files are optimized using a compression protocol similar to rsync.
- Unison is resilient to failure. It is careful to leave the replicas and its own private structures in a sensible state at all times, even in case of abnormal termination or communication failures.
- Unison has a clear and precise specification.
- Unison is free; full source code is available under the GNU Public License.

Donations to the Unison project are gratefully accepted. The link to the left leads to a PayPal donation page.

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EXHIBIT 35

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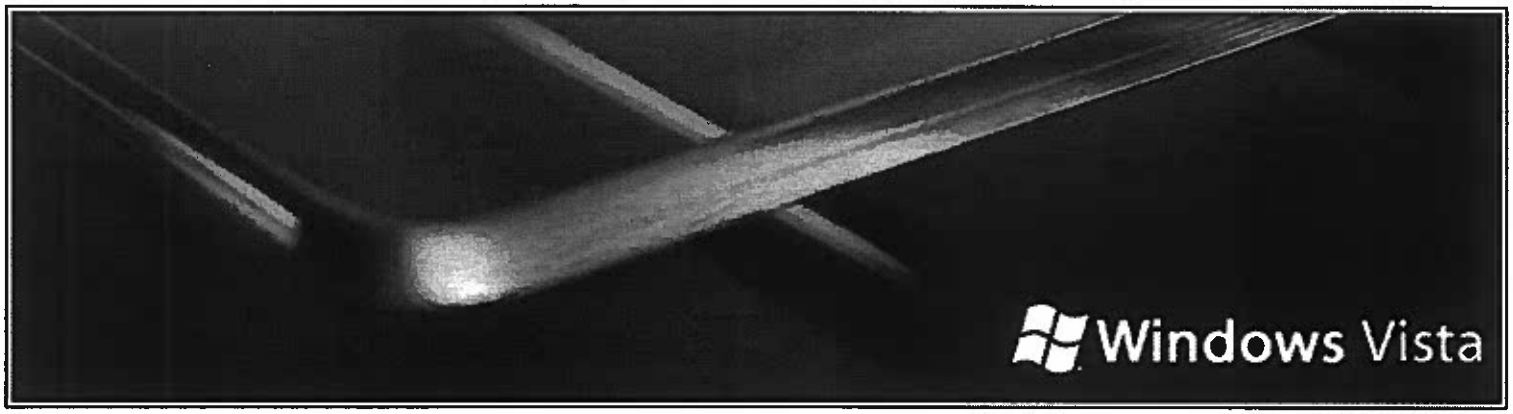

A little about us...

Unison Micro, located in Gainesville Georgia, offers a wide range of computer services including consulting, sales and service. Locally owned and operated since 1988 Unison Micro proudly serves Hall and neighboring counties.

Check out our About page to learn more about Unison Micro.

We've moved!

After 14 years on the historic Gainesville Square, Unison Micro has outgrown its old home. Visit our new, convenient (lots of parking!) location in midtown Gainesville at 1625 Martin Luther King Jr. Boulevard just up the street from The Tire Barn.

Check our our Contact page to view a map of our new location or to contact us for detailed directions.

What is Vista?

Windows Vista, Microsoft's upcoming operating system, is designed to dramatically improve the computing experience of every kind of PC user—from people at home who use their PCs for simple web browsing, to business people who must organize and act on large volumes of data.

Are you ready for Vista?

Windows Vista includes hundreds of new features and improvements, will your computer be up to the task? Find out now by running Microsoft's Windows Vista Upgrade Advisor tool.

Which Vista is right for me?

The Windows Vista Upgrade Advisor tool will suggest which version of Vista may best suit your needs but if you want to learn more about the version that was recomended or just want to check out what else is available visit Microsoft's Windows Vista: Editions page.

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Home :: About Us :: Services :: Specials :: Products

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As a Microsoft Partner Unison Micro is equiped to help you with all of your Vista needs. Call us today to schedule a Vista checkup and rest assured that your home or business computer will be ready for Vista when you are.

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EXHIBIT 36

Fibre Channel
NAS
DAS / RAID / JBOD
SAN
ISCSI
Tape Backup
Backup To Disk - ISCSI
Backup To Disk - Fibre
Data Replication
DataCenter Protection
Computer Supplies

Computer Supplies

Unison is proud to carry computer supplies products from the manufacturers listed below. If you do not see a specific manufacturer lists, please contact us and allow us the opportunity to source the products you are seeking. Unison will make every effort to handle your requests in an expedient manner. We look forward to hearing from you.

Magnetic Media

Exabyte
Fuji
Hewlett Packard
Imation
Iomega
Maxell
Memorex
Sony

Imaging / Fax / Copier

Apple
Brother
Canon
Epson
Hewlett Packard
Lexmark
Panasonic
QMS
Tally
Tektronix

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Service

Address: 8 Crest Road, Natick, MA 01760 Phone: 508-655-4049 E-mail: info@unisoninfo.com

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EXHIBIT 37

En Unison Corporation

Contact Us

Telephone
Main: (610) 749-2375
Cranbury: (609) 240-2994

Fax
(610) 749-2475

Postal Address
13 Bunker Hill,
Cranbury, NJ 08512

Email
info@enunison.com

En Unison provides web applications development, general computer software development services, and website design and hosting. We are a small business and are committed to giving our clients individual attention, prompt and courteous customer support, and high-quality software.

Whether you want to start a new website, expand your current website's capabilities, or are looking for general software development or database services, En Unison can help. Our focus is on delivering a superior product that will help you and your business succeed, and doing so for a reasonable price. We stand behind our work and offer a one year guarantee against all software defects.

We encourage you to browse through our website and see what we're all about. Please feel free to contact us with any questions or to set up a meeting.

En Unison Coporation **13 Bunker Hill Cranbury NJ 08512** **Voice: (610) 749-2375** **Fax: (610) 749-2475** **EMail: info@enunison.com**

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EXHIBIT 38

UnisonIT

Commercial • Residential
Integrated Technologies

Wiring/Cabling • Phone Systems • Audio/Video Solutions
Home Theaters • Computer Networking • Web Sites

Home

HOME
- ABOUT US

COMMERCIAL
- WIRING
- PHONE SYSTEMS
- SOUND SYSTEMS
- CONFERENCE ROOMS
- COMPUTER NETWORKS

RESIDENTIAL
- WIRING
- HOME OFFICE
- AUDIO/VIDEO
- HOME THEATER

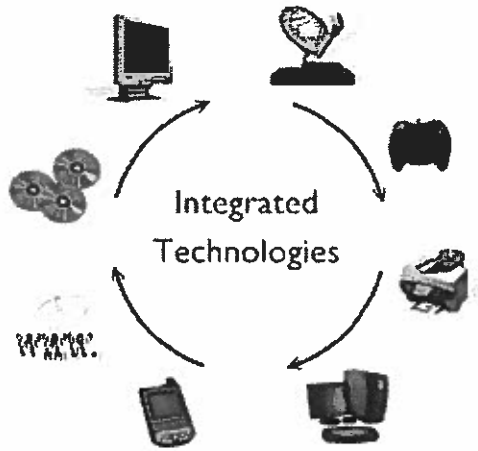
WEB SITES

Kudos

"I want to thank you for all your help in getting things off the ground. You've been great!!!"

— Greg in Eagle, Idaho

"Connecting Your World"



Unison IT Corporation is a top-tier provider of low-voltage structured wiring for commercial and residential needs. This is the foundation for phone systems, audio/video, home theater, computer networking and office technology. Unison Integrated Technologies then provides your complete solution for any of these technologies — whether for your home residence, or your commercial office.

Our extensive experience in structured wiring or cabling, phone systems, audio/video, home theaters, computer networking, and office integration means a one-call solution for all your technological needs. We serve Boise, Meridian, Eagle and the entire Treasure Valley in Southwest Idaho.

Unison IT also provides Web site design, development, Web hosting, and e-mail through our PEOPLEAVENUE.COM brand. Web sites for Everyone! — Simple.

Unison IT Corporation is the result of the recent merger of IdaCable and PEOPLEAVENUE.COM. The same great service and experience you've become accustomed to from both of these innovative companies — now under one roof and one phone call.

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(208) 860-5300 • (877) 258-4645 Fax • PO Box 2046, Eagle, Idaho 83616 • SEND US AN E-MAIL

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[LOG IN]

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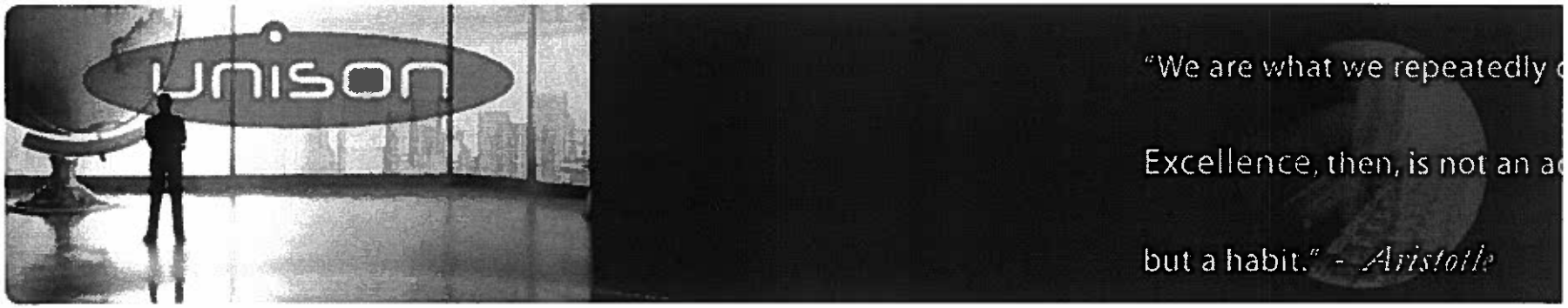
Case 1:08-cv-07056-SAS Document 1-3 Filed 08/07/2008 Page 65 of 77

EXHIBIT 39

Wednesday, Augus



Home

- **Home**
- **About Us**
- **Products & Services**
- **TBPC Catalog**
- **Partnerships**

Contact Us

11431 Midway Rd, Suite 1000
Addison, Texas 75001
(214) 764-6603

Bryan Oliver
Boliver@unisonllc.com
817-584-8931

Samali Gutierrez-May
Smay@unisonllc.com
972-877-9917

Overview

Unison is a Texas based software reseller, custom application developer, consulting, and IT services company. We are an adjusted HUB NCTRCA, and M/WBE Certified company.

Mission Statement

Unison, LLC will be the premier agent of technology products including software, hardware, and services to the State of Texas by under the needs of our customers and delivering value at every point of contact.

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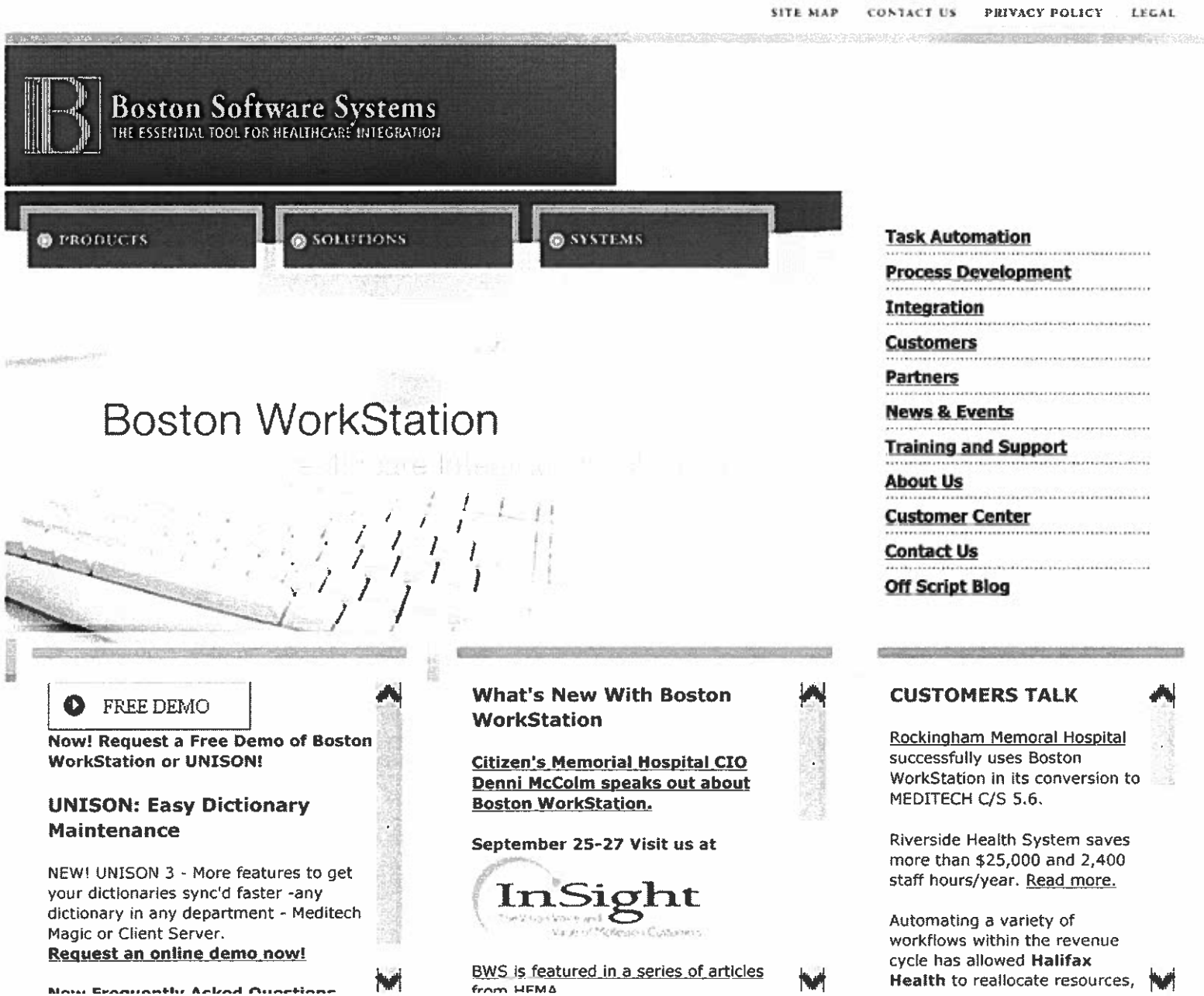
EXHIBIT 40



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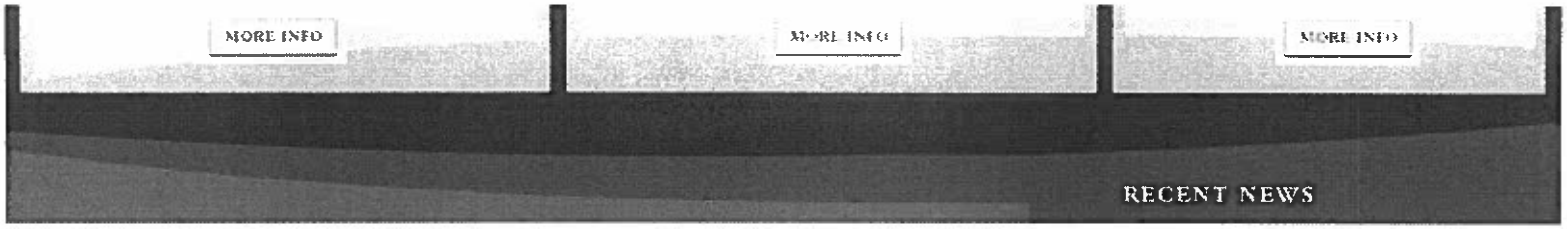

Boston WorkStation allows facilities of all sizes to create more efficient processes, automate common tasks, speed completion of conversion and migration projects and integrate new applications, systems and devices quickly and easily.

Jim Mullowney, Billings Clinic **"In my eight years here at Billings Clinic, and 15 years in healthcare organizations, I don't believe I've had a better relationship with a vendor or better service. On behalf of our organization I want to let you know how much we appreciate it, and I reassured we are in continuing to move forward with more BW projects. Thank you."**

Shirley Hammack, I.T. Financial Analyst, Duncan Regional Hospital **"Don't forget the speed factor. Scriptlink works at the speed of a very quick operator. Boston WorkStation is a rocket car."**

Fred Henning at Alexion Brothers says: **"In 1991 we first contracted for STAR I found MicroScript - the original version of Boston WorkStation and convinced HBOC (now McKesson) that it would not 'harm' STAR because it was just another user. It was like non- invasive surgery! I would present talks at SPUG, TIMES, InSight, etc. as the User Group name changed. It works and you need it."**

Mitch Lawrence at Christus Health says: **"As of this morning, we have 405 different Boston Workstation scripts scheduled to run on 9 different virtual servers. Our scripts range from automated printing, MARS queues, PDF downloads, vendor downloads, password changes, file transfers, etc etc.**

That is only for Meditech C/S scripting. The product has a wide array of uses, and can be used for pretty much any application. Given its VBA backend, the possibilities are pretty much endless."

Kim Scaccia at Halifax Medical Center says: **"We are currently using Boston**

July 29, 2008
Boston Software Systems Ahead of the "Revenue Cycle Revolution"

May 22, 2008
RIVERSIDE HEALTH SYSTEM EARNS USER EXCELLENCE AWARD FOR INNOVATIVE USE OF SCRIPTING TECHNOLOGY

May 20, 2008
Boston Software Systems Announces Boston WorkStation 9.7

May 13, 2008
Boston Software Systems Launches UNISON 3.0

April 29, 2008
Boston Software Systems Appoints Ken Carter as Chief Technology Officer

April 28, 2008
MEDHOST Selects Boston WorkStation for Dictionary Synchronization and Data Integration between Emergency Department Information System and HIS

February 11, 2008
Boston Software Systems and Saint Clare's Health System to Present Benefits of Scripting Technology at 2008 HIMSS Annual Conference & Exhibition

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Workstation which is a wonderful product. Not only is it effective, but it is extremely user friendly. Currently, in my area, we have NPR Reports that run (nine of them) every thirty minutes from Meditech C/S as well as a set of daily reports (15) which runs automatically at 1:30 in the morning. In our Main Data Management area, we have a script writer that uses the software to develop dictionary maintenance/update scripts as well as scripts to print reports to all different areas of our facilities (we have multiple sites).

"The huge benefit I see in Boston Workstation is that we have the ability to leverage it with software other than Meditech. In PBFS, we currently use it to connect to Excel, Monarch, Notepad, and Meditech. We have even been able to successfully write scripts with it to FTP files and all of our scripts have the ability to send e-mails to notify users of successes and failures."

Michael Laban at Eastern Connecticut Health Network tells the Meditech L: **"We use Boston Workstation to run reports, to complete other routine work, and for special projects. The "rule" based tool is easy to use and works well with Magic or Client/Server. And the support is amazing - Boston Software Systems will help you write any script over the phone if you're stuck on how to get something done. The plus side of Boston Workstation is that it isn't limited to Meditech, you can use it to script into almost any product including web pages."**

Sherry Mitchell told the Meditech L: **"I've been using Boston Software Systems' Boston WorkStation for scripting for two and a half years. This product alone has saved us countless hours of keying Live and Test dictionaries for nine facilities. Last spring I wrote a very time consuming and complicated script to sync Scheduling dictionaries. Since its introduction, I have used UNISON to sync a number of dictionaries including MIS User and Preference Cards, and I'm having a blast getting these done. UNISON's support and development group listened to my suggestions and have incorporated them into version 2. I'll be able to do multiple field lookups or change all or part of a field so that I can copy dictionaries from one facility to another and much more in much less time for myself and my co-workers!"**

Denise Morell at Spring Harbor Hospital says this about UNISON: **"The thought of writing a script for the BAR Procedure dictionary for our behavioral hospital always left a pit in my stomach because it's much more complicated than the BAR dictionary at an acute hospital. In fact, I had never even attempted it before UNISON. But UNISON has tamed the**

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beast that has haunted me, and made it look really simple in the end. Working with your support people has been awesome - I'm looking forward to the next time that I'll have to use the product."

Learn more about what you can do with Boston WorkStation.

Boston WorkStation is a task automation and healthcare integration technology that provides an environment for on-demand process improvement, and innovation allowing you to re-invent workflow throughout your organization with its scripting software. Boston WorkStation is also used as interface software that has been proven in virtually every department of the hospital from registration to the lab and in the business office where it supports healthcare revenue cycle management and materials management initiatives, as well as automating hospital claims processing, resulting in more accurate billing and faster reimbursements.

Boston WorkStation serves several functions in the IT department. It is process automation software for automating manual tasks or complex processes; a scripting tool to automate common tasks; application integration software for integrating new applications, systems and devices and a screen scraping and web scraping tool to automate interaction with websites. Additionally, Boston WorkStation is an excellent solution for facilities employing lean process improvement to optimize efficiency.

As a McKesson business partner, McKesson users can be assured that Boston WorkStation reliably and consistently connects with all McKesson applications and is proven to quickly and cost effectively automate workflow including FIM/SIM updates, claims processing, and pre-registrations.

Built on proven Boston WorkStation technology, UNISON Dictionary Synchronization is a standalone application that allows Meditech users to keep data dictionaries throughout the hospital in sync without spending hours of costly programming time.

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EXHIBIT 41

Empowering Innovation™
BOURQUE
patent | trademark | copyright | attorneys

DANIEL J. BOURQUE
Admitted NH, MA
Canadian Patent Agent

ANDREW R. MARTIN
Admitted MA

May 20, 2008

SENT VIA CERTIFIED MAIL RETURN RECEIPT 7004 2510 0003 0219 4088

President
Unison Technologies LLC
Suite 1601 156 West 56th Street
New York, NY 10019

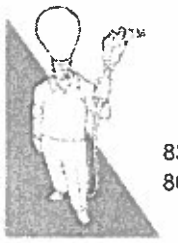
RE: Opposition 06830004 Unison Technologies LLC
Our Reference: ASPECT-08001

To Whom It May Concern:

Our firm is intellectual property counsel for Aspect Software, Inc. of Chelmsford Massachusetts. Our client designs, manufactures and sells solutions for managing customer contact and customer contact centers. Our client is a leader in this industry and has significant global recognition for its product offerings and services. You may find more about them at www.aspect.com.

At least as early as 1993, our client adopted and began using the trademark "UNISON" for certain of its product and service offerings. Our client has spent considerable money and time building an invaluable level of goodwill associated with this mark. Our client has extensively and continuously used this mark globally, and has obtained trademark registration for this name in numerous countries around the world and more specifically, in the European community. See enclosed information.

It has recently come to our attention that your company has filed community trademark registration application numbers 06830004 and 06830368 for the mark "Unison" with and without a design element for various goods and services in international classes 9, 38 and 42. What is most troubling is that not only are your marks identical to our client's previously registered trademark but moreover, the goods are nearly identical and certainly overlapping. Further investigation has revealed two corresponding United States trademark applications, both of which have been rejected based on numerous "unison" trademarks including our client's "unison" trademark registration. Thus, the US trademark office has determined that there is a likelihood of confusion between your company's proposed Unison mark and our client's corresponding registered mark. Accordingly, the likelihood of confusion is clear.



This letter serves to put you on notice that our client feels your adoption and use of the "Unison" mark will be in bad faith and in violation of our client's trademark rights. We intend to vigorously oppose any "Unison" application your company might file or prosecute to publication. Please conduct yourselves accordingly.

BOURQUE AND ASSOCIATES, P.A.

By: _____
Daniel J. Bourque, Esquire

DJB/cs

Enclosure

Int. Cls.: 9 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38 and 100

Reg. No. 1,942,025

United States Patent and Trademark Office Registered Dec. 19, 1995

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

UNISON

DAVOX CORPORATION (MASSACHUSETTS CORPORATION)
3 FEDERAL STREET
BILLERICA, MA 01821

FOR: CALL MANAGEMENT SYSTEM, NAMELY A COMPUTER HARDWARE, A TELECOMMUNICATION SWITCH AND ASSOCIATED SOFTWARE FOR INTEGRATING, CONTROLLING, MONITORING AND REPORTING ON THE ACTIVITIES OF A COMPUTERIZED CALL CENTER CONSISTING OF - TELECOMMUNICATION SYSTEMS, NAMELY CENTRAL AND PRIVATE TELEPHONE SWITCH(S), INBOUND CALL TELEPHONE SWITCH, VOICE RESPONSE UNIT AND VIDEO CONFERENCE UNIT; COMPUTER HARDWARE, SOFTWARE APPLICATION PROGRAMS AND CUSTOMER DATABASES USED TO SUPPORT INBOUND AND OUTBOUND CUSTOMER CALLING FOR MULTIPLE TELEPHONE AGENTS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-0-1993; IN COMMERCE 11-0-1993.

FOR: CONSULTING SERVICES RELATED TO INTEGRATING, CONTROLLING AND MONITORING COMPUTERIZED CALL CENTERS, IN CLASS 42 (U.S. CL. 100).

FIRST USE 11-0-1993; IN COMMERCE 11-0-1993.

SER. NO. 74-470,070, FILED 12-13-1993.

JESSIE B. BILLINGS, EXAMINING ATTORNEY